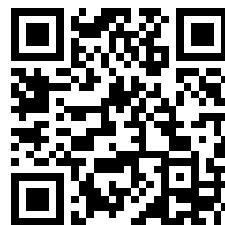

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42838

PROCEEDINGS

OF THE

N. Y. (State) Transit Commission

STATE OF NEW YORK

VOLUME III

From January 1 to December 31, 1923

GEORGE McANENY,
Chairman

LE ROY T. HARKNESS,
JOHN F. O'RYAN,
Commissioners

Geo. B. Walker

James B. Walker

JAMES B. WALKER,
Secretary

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OFFICE OF THE ATTORNEY GENERAL
JANUARY 2, 1915

PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street
Borough of Manhattan, City of New York

Proceedings for Wednesday, January 3, 1923

Present: George McAneny, Chairman; John F. O'Ryan, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1—R. T. 7600, 7601, 7603

Route No. 52, Sections Nos. 1 & 3—Report by Chief Engineer as to Status of Construction of Section No. 2 and Storage Yard of Flushing Line in Connection with Contracts Pending Before Board of Estimate and Apportionment—Approval Resolution

A report by the Chief Engineer dated December 30, 1922, with respect to the status of Section No. 2 and the storage yard of the Queensboro Subway Rapid Transit Railroad Extension to Flushing in connection with the contracts pending before the Board of Estimate and Apportionment for the construction of Sections Nos. 1 and 3 of Route No. 52, was presented.

The following resolution was adopted:

Resolved, That the proposed communication prepared and now submitted by Counsel, which, if adopted will effect the recommendation of the Chief Engineer, as contained in his communication dated December 30, 1922, with respect to the status of Section No. 2 and the storage yard of the Queensboro Subway Rapid Transit Railroad Extension be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

January 3, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission is in receipt of the following report dated December 30, 1922, from its Chief Engineer:

"We have been informally advised that the Board of Estimate and Apportionment is holding up the approval of contracts for Sections Nos. 1 and 3 of Route No. 52, pending information as to whether the proposed bridge over the Flushing River will properly care for highway as well as rapid transit requirements and the status of the storage yard for this route. For your information, I wish to advise you of the following:

Section No. 3 of Route No. 52 was intended to be put under contract first, because it is subway construction and will take the longest of any part of this line to build. The contract time has been fixed as two years.

Section No. 1 was intended to be put under contract next, with an allowance of one year for completion, because it includes the approach to the storage yard

425249

in the Flushing Meadows, which is required at the earliest possible moment. It is proposed to use the excavated material of Section No. 3 to complete the grading of the yard. The track laying contract would complete this yard ready for train storage.

Section No. 2, which includes the bridge over the Flushing River, can be completed in about a year and a half from the time that the contract therefor is let.

We have had conferences with Mr. Tuttle, Chief Engineer of the Board of Estimate, Mr. Byrnc, Chief Engineer of the Department of Plant and Structures, Mr. Morris, Chief Engineer of the Long Island Railroad Company, and Mr. Powell, Engineer of the Topographical Bureau of Queens, on some of the details of construction and property questions which are involved in the construction of the combined highway and rapid transit bridge and its approaches over the Flushing River and the Long Island Railroad property and right-of-way. Progress is being made on these matters. There is no doubt that with fair cooperation Section No. 2 can be put under contract in time so as to be completed simultaneously with the rest of the line and yard.

Attached hereto is a print of our Drawing No. 29, File No. 4501, being a sketch of that portion of Section No. 2 in the vicinity of the Flushing River and showing the plan and profile of the combination rapid transit and highway bridge over the Flushing River. It is respectfully recommended that this be transmitted to the Board of Estimate for its information."

The Transit Commission accordingly submits this matter for the consideration of your Honorable Board in connection with the proposed contracts for the construction of this rapid transit railroad extension.

TRANSIT COMMISSION.
By GEORGE McANENY,
Chairman.

2—R. T. 6892

Route No. 8, Section No. 2—Report by Chief Engineer Recommending Approval of Lump Sum Price for Furnishing and Laying Gas Pipes at First Avenue and 14th Street—Approval Resolution

A report by the Chief Engineer dated December 26, 1922, recommending the establishment of a lump sum price, as described below, was approved and the following resolution was adopted:

Whereas, The Chief Engineer of the Commission in pursuance of Article XII of the Contract, dated July 12, 1920, between the City of New York, acting by the Transit Construction Commissioner, and Patrick McGovern for the completion of construction of part of the 14th Street-Eastern Rapid Transit Railroad, known as Section 2, Route 8, having subject to the approval of the Commission agreed with the Contractor upon the following supplementary schedule item:

Item 77-GG (c)—For furnishing and laying 18", 20" and 24" gas pipes, including excavation therefor, backfilling, repaving and all incidental work, labor and material in connection with the restoration of the gas mains removed by the Degnon Contracting Company in connection with underpinning of the elevated railway column at southeast corner of First Avenue and 14th Street, the lump sum of..... \$1,671.06

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

3—R. T. 7525

Routes Nos. 5 & 20—Report by Chief Engineer Recommending Extension of Time to December 19, 1922, within which to Complete Contract for Completion of Construction and Station Finish at Broadway and Canal Street Stations—Approval Resolution

A report by the Chief Engineer dated December 30, 1922, recommending an extension of time to Jacob Schlesinger, Inc., to and including December 19, 1922, within which to

complete the work under the contract for the completion of construction and station finish at the Broadway and Canal Street Stations, Routes Nos. 5 and 20, was presented.

The following resolution was adopted:

Whereas, The contract dated March 22, 1922, between The City of New York, acting by this Commission and Jacob Schlesinger, Inc., for the completion of construction and station finish, Routes Nos. 5 and 20, Broadway and Canal Street Stations, requires the completion of all work thereunder within six (6) months from the date of the delivery of said contract, which contract was delivered on March 23, 1922, the last date for completion therefor being September 23, 1912; and

Whereas, It is provided in Article LXV in said contract that "in case the contractor shall be actually and necessarily delayed by reason of any labor strike * * * or by any interference of public authority or by the suspension of the whole or any part of the work * * * then the said date for completion shall * * * be extended by resolution of the Commission to a date later than the expiration of said period of six (6) months * * *"; and

Whereas, The Chief Engineer of this Commission by communication dated December 30, 1922, has reported that the work under said contract was completed on December 19, 1922; that the delay in the completion of said work was attributable to the delay by the operating company in making the necessary arrangements to permit the contractor to proceed with the work at various locations on account of interference with traffic; difficulties encountered in procuring necessary material owing to railroad and coal strikes; unforeseen leaks which developed during the installation of the drainage system and encountering certain construction which was not contemplated and in view of such facts recommends that the time of the said contractor under said contract be extended to and including December 19, 1922.

Resolved, That the said report and recommendation be and the same hereby is approved; that the time of the said Jacob Schlesinger, Inc., within which to complete the work under said contract be and the same hereby is extended to and including December 19, 1922, provided, however, that such extension of time shall not take effect unless and until it shall be consented to in writing by the sureties upon the bond deposited as security for the faithful performance of said contract.

4—R. T. 7427

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase of Coal Requirements for Month of January, 1923—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application dated December 16, 1922, from the Interborough Rapid Transit Company requesting approval of the purchase of 56,000 tons of coal from the Berwind-White Coal Mining Company and 14,000 tons from the Consolidation Coal Company, at \$7.50 per gross ton alongside the Company's docks, which coal is required for the month of January, 1923, was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer dated December 22, 1922, stating that the price is reasonable and recommending that the application be approved, was also presented.

The following resolution was adopted:

Whereas, The Transit Commission is in receipt of the following communication dated December 16, 1922, addressed to the Secretary of this Commission by Frank Hedley, President and General Manager of Interborough Rapid Transit Company:

"On December 12th I telephoned Commissioner Harkness with regard to this Company's coal requirements for the month of January, 1923, which I advised him would amount to approximately 70,000 tons.

As you are aware the Commission approved on November 14, 1922, the purchase of 100,000 tons of coal to meet the requirements to December 31st, as

per my letter of November 6th, 1922. We have investigated the situation with respect to open market coal in the harbor, and find that the prices at present for coal of as good a quality as the Interborough standard range from \$8.00 per ton upward.

However, we had an oral understanding with the Berwind-White Coal Mining Company that they would accept an order for 80% of our January requirements, at the same price as approved by the Commission, in November, viz: \$7.50 per gross ton delivered alongside the Company's power house docks.

The Consolidation Coal Company has also agreed to deliver the remaining 20% of our January requirements, at the same price of \$7.50 per gross ton.

As you are aware, it is absolutely essential that we have for our winter supply of coal a grade of coal that is equal to the standard grade that we have used in our power houses for a number of years previous to the recent difficulties in the coal market, and deliveries from the two Companies above mentioned will fulfill these requirements.

I therefore request your approval for this Company to purchase 56,000 tons of coal from the Berwind-White Coal Mining Company, and 14,000 tons from the Consolidation Coal Company, at \$7.50 per gross ton alongside Company's docks, which today is over 50c per ton less than the price at which the same quality of coal is selling in the harbor."

; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated December 22, 1922, reported that the above mentioned companies produce a grade of coal which has been found to be most suitable for Interborough Rapid Transit Company's purposes; that the quantity of coal to be purchased for the period is reasonable; that the price proposed is reasonable and recommend that the proposal of Interborough Rapid Transit Company, as set forth in said communication, be approved.

Resolved, That the said report and recommendation be and the same hereby is approved and that the said application of Interborough Rapid Transit Company be and hereby is approved.

5—R. T. 6481

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Alterations of Certain Motor and Trailer Elevated Cars so as to Permit Operation of Queens Lines—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Assigning Work Order No. MCR-10—Approval Resolution

An application dated November 29, 1922, from the New York Municipal Railway Corporation requesting the approval of alterations to motor cars Nos. 1400 to 1439 inclusive and trailer cars Nos. 1 to 6 and 8 to 21 inclusive at a cost of \$18,000, so as to permit the operation of the cars on the Queens Lines, was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer recommending that the application be approved from an engineering standpoint, was also presented.

A report by the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated December 27, 1922, classifying the work as a Replacement and assigning Work Order No. MCR-10, was also presented.

The following resolution was adopted:

Whereas, pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, as Receiver of said New York Municipal Railway Corporation, has, by communication dated November 29, 1922, requested the approval of this Commission to the altering of certain elevated type cars to permit operation of said cars on the Queensboro Lines; and

Whereas, By communication dated December 8, 1922, the Engineer of Equipment and Operation and the Chief Engineer have reported that the cars to be altered are motor cars Nos. 1400 to 1439 inclusive and trailer cars Nos. 1 to 6 and 8 to 21 inclusive; that the work includes removal of the present contact shoe beams and the installation of new shoe beams and shoes, removal of the trolley boards and restoring the roof canvas, re-locating the pneumatic trip cocks, and certain adjustments and alterations to the car bodies and trucks to reduce the overall height of the cars; that the cost of such work is estimated at \$18,000 and all the details of the proposed changes have been submitted to the Engineer, and recommend, from an engineering standpoint, that the application of the said Receiver be approved; and

Whereas, By communication dated December 27, 1922, the Auditor of Rapid Transit Costs and the Assistant Chief Accountant have reported with respect to said application and recommend that the entire work be classified as a Replacement to be paid for out of moneys of the Depreciation Fund for Existing Railroads made available by retirements from service (inclusive of the retirements to be made by this job, estimated at \$10,000), and that Work Order No. MCR-10 be assigned thereto,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the application of said Receiver aforesaid be and the same hereby is approved, upon condition that the work thereby contemplated shall be classified as a Replacement and shall be paid for out of moneys of the Depreciation Fund for Existing Railroads made available by retirements from service (inclusive of the retirements to be made by this job, estimated at \$10,000) and as to which this Commission assigns Work Order No. MCR-10.

6—R. T. 6481

Contract No. 4—Communication from New York Municipal Railway Corporation Requesting Consideration of Plans for Experimental Train of Articulated Car Units—Report by Chief Executive Officer Recommending Action be Deferred—Report Approved

A communication dated October 24, 1922, from the New York Municipal Railway Corporation, by W. S. Menden, General Manager for Lindley M. Garrison, Receiver, requesting consideration of plans for a proposed experimental subway train known as "Type D", made up of articulated car units, was presented.

A report by the Chief Executive Officer dated January 3, 1923, recommending that decision be deferred without prejudice to be considered again in connection with the purchase of equipment for the operation of the Fourteenth Street-Eastern Line, was approved.

7—Gen. 1772, R. T. 6694, 6695

Contracts Nos. 3 & 4—Report by Chief Executive Officer Recommending that Operating Companies Submit Plans, Specifications and Estimates of Cost for Installing Complete Signal System on Mile of Local Track—Approval Resolution

A report by the Chief Executive Officer dated January 3, 1923, as described below, was approved and the following resolution was adopted:

Whereas, The Chief Executive Officer has, by communication dated January 3, 1923, reported and recommended with respect to the automatic train control for the protection of local tracks of rapid transit lines as follows:

"A committee, consisting of the Chief Engineer, the Consulting Engineer, Engineer of Equipment and Operation, and the Chief Executive Officer have been conducting an investigation into the possibility and advisability of installing complete signal control for the local tracks of rapid transit lines. I forward herewith the report of the Engineer of Equipment and Operation, dated December 26, giving the results of these investigations, with his recommendation.

The committee met this morning and considered this report, and has agreed upon the following recommendation. This recommendation looks to the next logical step to be taken in this matter. Our investigations to date indicate the possibility of establishing such a signal control. There remains to be determined the desirability of such installation. It is our judgment that as a first step toward

per my letter of November 6th, 1922. We have investigated the situation with respect to open market coal in the harbor, and find that the prices at present for coal of as good a quality as the Interborough standard range from \$8.00 per ton upward.

However, we had an oral understanding with the Berwind-White Coal Mining Company that they would accept an order for 80% of our January requirements, at the same price as approved by the Commission, in November, viz: \$7.50 per gross ton delivered alongside the Company's power house docks.

The Consolidation Coal Company has also agreed to deliver the remaining 20% of our January requirements, at the same price of \$7.50 per gross ton.

As you are aware, it is absolutely essential that we have for our winter supply of coal a grade of coal that is equal to the standard grade that we have used in our power houses for a number of years previous to the recent difficulties in the coal market, and deliveries from the two Companies above mentioned will fulfill these requirements.

I therefore request your approval for this Company to purchase 56,000 tons of coal from the Berwind-White Coal Mining Company, and 14,000 tons from the Consolidation Coal Company, at \$7.50 per gross ton alongside Company's docks, which today is over 50c per ton less than the price at which the same quality of coal is selling in the harbor."

; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated December 22, 1922, reported that the above mentioned companies produce a grade of coal which has been found to be most suitable for Interborough Rapid Transit Company's purposes; that the quantity of coal to be purchased for the period is reasonable; that the price proposed is reasonable and recommend that the proposal of Interborough Rapid Transit Company, as set forth in said communication, be approved,

Resolved, That the said report and recommendation be and the same hereby is approved and that the said application of Interborough Rapid Transit Company be and hereby is approved.

5—R. T. 6481

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Alterations of Certain Motor and Trailer Elevated Cars so as to Permit Operation of Queens Lines—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Assigning Work Order No. MCR-10—Approval Resolution

An application dated November 29, 1922, from the New York Municipal Railway Corporation requesting the approval of alterations to motor cars Nos. 1400 to 1439 inclusive and trailer cars Nos. 1 to 6 and 8 to 21 inclusive at a cost of \$18,000, so as to permit the operation of the cars on the Queens Lines, was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer recommending that the application be approved from an engineering standpoint, was also presented.

A report by the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated December 27, 1922, classifying the work as a Replacement and assigning Work Order No. MCR-10, was also presented.

The following resolution was adopted:

Whereas, pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, as Receiver of said New York Municipal Railway Corporation, has, by communication dated November 29, 1922, requested the approval of this Commission to the altering of certain elevated type cars to permit operation of said cars on the Queensboro Lines; and

Whereas, By communication dated December 8, 1922, the Engineer of Equipment and Operation and the Chief Engineer have reported that the cars to be altered are motor cars Nos. 1400 to 1439 inclusive and trailer cars Nos. 1 to 6 and 8 to 21 inclusive; that the work includes removal of the present contact shoe beams and the installation of new shoe beams and shoes, removal of the trolley boards and restoring the roof canvas, re-locating the pneumatic trip cocks, and certain adjustments and alterations to the car bodies and trucks to reduce the overall height of the cars; that the cost of such work is estimated at \$18,000 and all the details of the proposed changes have been submitted to the Engineer, and recommend, from an engineering standpoint, that the application of the said Receiver be approved; and

Whereas, By communication dated December 27, 1922, the Auditor of Rapid Transit Costs and the Assistant Chief Accountant have reported with respect to said application and recommend that the entire work be classified as a Replacement to be paid for out of moneys of the Depreciation Fund for Existing Railroads made available by retirements from service (inclusive of the retirements to be made by this job, estimated at \$10,000), and that Work Order No. MCR-10 be assigned thereto,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the application of said Receiver aforesaid be and the same hereby is approved, upon condition that the work thereby contemplated shall be classified as a Replacement and shall be paid for out of moneys of the Depreciation Fund for Existing Railroads made available by retirements from service (inclusive of the retirements to be made by this job, estimated at \$10,000) and as to which this Commission assigns Work Order No. MCR-10.

6—R. T. 6481

Contract No. 4—Communication from New York Municipal Railway Corporation Requesting Consideration of Plans for Experimental Train of Articulated Car Units—Report by Chief Executive Officer Recommending Action be Deferred—Report Approved

A communication dated October 24, 1922, from the New York Municipal Railway Corporation, by W. S. Menden, General Manager for Lindley M. Garrison, Receiver, requesting consideration of plans for a proposed experimental subway train known as "Type D", made up of articulated car units, was presented.

A report by the Chief Executive Officer dated January 3, 1923, recommending that decision be deferred without prejudice to be considered again in connection with the purchase of equipment for the operation of the Fourteenth Street-Eastern Line, was approved.

7—Gen. 1772, R. T. 6694, 6695

Contracts Nos. 3 & 4—Report by Chief Executive Officer Recommending that Operating Companies Submit Plans, Specifications and Estimates of Cost for Installing Complete Signal System on Mile of Local Track—Approval Resolution

A report by the Chief Executive Officer dated January 3, 1923, as described below, was approved and the following resolution was adopted:

Whereas, The Chief Executive Officer has, by communication dated January 3, 1923, reported and recommended with respect to the automatic train control for the protection of local tracks of rapid transit lines as follows:

"A committee, consisting of the Chief Engineer, the Consulting Engineer, Engineer of Equipment and Operation, and the Chief Executive Officer have been conducting an investigation into the possibility and advisability of installing complete signal control for the local tracks of rapid transit lines. I forward herewith the report of the Engineer of Equipment and Operation, dated December 26, giving the results of these investigations, with his recommendation.

The committee met this morning and considered this report, and has agreed upon the following recommendation. This recommendation looks to the next logical step to be taken in this matter. Our investigations to date indicate the possibility of establishing such a signal control. There remains to be determined the desirability of such installation. It is our judgment that as a first step toward

this each of the roads should work out the plans, specifications and estimates of costs for a complete installation on the controlling mile of their respective systems, submitting these details to the Commission. It will then be practicable for the Commission to determine whether or not to order the installation of these experimental mile sections; or to determine that the cost predicated on these plans will be so great as to make it seem undesirable to go further with the work. Assuming that the experimental mile sections are ordered and installed, the third and final step would then be, after further study and observation, to determine whether or not the installation should be made throughout the whole system. Your committee therefore makes the following recommendation:

Recommendation: That the Interborough Company and the New York Consolidated Railroad Company each be required to prepare plans, specifications and an estimate of cost for completely signalling a mile of track on their elevated systems with a speed control system of signals, with automatic stops, designed to safeguard the operation of the trains on the local tracks without reducing the capacity of the existing maximum operation. In each case this mile shall be the mile controlling the operation of their elevated systems. These plans, specifications and estimates shall be submitted not later than April 15, 1923.

It is proposed that this signal project be worked out with the existing type of speed control signals. But if the companies so desire the project may be developed with a new type of signal, on the assumption that it may be ordered for the whole system."

Resolved, That the said report and recommendation be and the same hereby is approved.

8—Cases 2182, 2218, 2306, 2662

Interborough Rapid Transit Company—Increased Number of Directors—Resolution Nominating Directors Approved

The Secretary presented a communication from the Interborough Rapid Transit Company, dated December 28, 1922, requesting the Commission to nominate three candidates for election to the Board of Directors of the Interborough Rapid Transit Company, pursuant to its Plan of Readjustment.

The Commission approved and ordered filed a resolution nominating Abel E. Blackmar, for a term ending September, 1925, William W. Niles, for a term ending September, 1924, and Herman A. Metz, for a term ending September, 1923, said resolution directing the Secretary of the Commission to notify the individuals named of their nomination and to advise the Interborough Rapid Transit Company of the same.

The papers presented and approved were as follows:

INTERBOROUGH RAPID TRANSIT COMPANY
165 Broadway

New York, December 28, 1922.

TRANSIT COMMISSION OF THE STATE OF NEW YORK,
49 Lafayette Street,
New York City.

Gentlemen:

This will serve to formally advise you that as the result of action taken at an adjourned special meeting of the stockholders of Interborough Rapid Transit Company, held on December 28, 1922, the number of directors of the Company was duly increased from fifteen to eighteen. At the same meeting a By-law was duly adopted providing that directors need not be stockholders. Certificates to this effect will be filed in the office of the Clerk of the County of New York and in the office of the Secretary of State, to-morrow morning, December 29, 1922. There are thus three vacancies.

As contemplated by the Interborough Plan of Readjustment dated May 1, 1922, and the Voting Trust Agreement with respect to the capital stock of the Interborough Rapid Transit Company dated October 1, 1922, these three vacancies are to be filled by persons designated by the Transit Commission. A special meeting of the Board of Directors of the Company has been called for Friday, December 29th at 2 P. M. at the Company's

[January 3, 1923

offices, for the purpose of filling these vacancies, for organization, for the election of officers, and for such other business as may properly come before the meeting.

Will you, therefore, please forward to me not later than noon to-morrow, December 29, 1922, your written nomination or designation of the three individuals whom you shall select to be your representatives on the Board of Directors of this Company, indicating in such designation the term or class to which each nominee is to belong—that is, one to be of the class whose term will expire in 1923, one of the class whose term will expire in 1924 and one of the class whose term will expire in 1925. Will you also please arrange to have your nominees present in the anteroom at the offices of this Company, 165 Broadway, Borough of Manhattan, New York City, at 2 P. M. to-morrow, so that they may take their places as soon as elected directors.

Will you kindly acknowledge receipt of this communication, by bearer.

Very truly yours,

H. M. FISHER,
Secretary.

December 28, 1922.

MR. H. M. FISHER, Secretary,
INTERBOROUGH RAPID TRANSIT COMPANY,
165 Broadway, New York City.

Dear Sir:

Receipt is acknowledged of your letter of December 28th, notifying the Transit Commission that the adjourned special meeting of the Interborough stockholders, held December 28th, had increased the number of directors from 15 to 18, and also adopted a by-law providing that the directors need not be stockholders; also requesting the Transit Commission to name three directors in accordance with the Plan of Readjustment and voting trust agreement dated May 1, 1922.

I shall bring this matter to the attention of the Commission immediately and notify you to-morrow of its action.

Very truly yours,

JAMES B. WALKER,
Secretary.

Whereas, The holders of securities of the Interborough Rapid Transit Company have consented to a certain Plan of Readjustment, which has been approved by the Transit Commission, and the stockholders of said company, pursuant to the Voting Trust Agreement dated May 1, 1922, executed in pursuance of said plan, have increased the number of directors from fifteen to eighteen and adopted a by-law providing that the three additional directors need not be stockholders, and have requested the Transit Commission to name three directors in accordance with said Plan of Readjustment and said Voting Trust Agreement, now, therefore,

Resolved, In consideration of the premises, the Transit Commission hereby nominates as Directors and as representatives of the public of the City of New York, upon the Board of Directors of the Interborough Rapid Transit Company, the following persons:

Abel E. Blackmar, No. 865 Park Place, Brooklyn, N. Y., to serve for a term ending September, 1925.

William W. Niles, Bainbridge Avenue and 206th Street, Bronx, N. Y., to serve for a term ending September, 1924.

Herman A. Metz, No. 38 West 74th Street, Manhattan, to serve for a term ending September, 1923.

Further Resolved, That the Secretary of the Transit Commission be and he hereby is authorized to notify said persons of their nomination and to advise the Interborough Rapid Transit Company of the same.

Dated, New York, January 3, 1923.

TRANSIT COMMISSION,
By JAMES B. WALKER,
Secretary.

MR. H. M. FISHER, Secretary,
Interborough Rapid Transit Company,
165 Broadway, New York City.

Dear Sir:

Your letter of December 28, 1922, advising the Transit Commission of the action of the stockholders of the Interborough Rapid Transit Company in increasing the

January 3, 1923]

8

members of the directors of the company from fifteen to eighteen, and of the amendment of the company's by-laws in certain respects, in order to permit the nomination by the Transit Commission of three persons as directors to represent the public of the City of New York as members of your board, was received in due course.

The Commission recognizing that the action taken by your company, as aforesaid, as that contemplated by the Interborough's Plan of Readjustment dated May 1, 1922, and the Voting Trust Agreement incidental to the said Plan of Readjustment with respect to the capital stock, has nominated at a meeting held this date, the following persons to be elected as directors of the Interborough Company in pursuance to the agreement aforesaid.

To serve one year:

Herman A. Metz, 38 West 74th Street, New York.

To serve two years:

William W. Niles, Bainbridge Avenue and 206th Street, New York.

To serve three years:

Abel E. Blackmar, 865 Park Place, Brooklyn.

Each of these nominees has been notified of his selection by the Commission and has been informed that a meeting of your board for general purposes will be held at 11 o'clock to-morrow morning.

Enclosed is a certified copy of the resolution adopted by the Commission. Kindly acknowledge receipt.

Very truly yours,
TRANSIT COMMISSION,
By JAMES B. WALKER,
Secretary.

HON. ABEL E. BLACKMAR,
865 Park Place,
Brooklyn, N. Y.

Dear Sir:

I am directed by the Transit Commission to notify you that you have been nominated by it as a representative of the public of the City of New York as director of the Interborough Rapid Transit Company, to serve for the term ending September, 1925, in accordance with the Plan of Readjustment and a certain Voting Trust Agreement dated May 1, 1922.

I enclose a certified copy of the resolution of the Commission making your appointment. Kindly acknowledge receipt of the enclosure.

Very truly yours,
JAMES B. WALKER,
Secretary.

HON. WILLIAM W. NILES,
Bainbridge Ave. and 206th Street,
Bronx, New York City.

Dear Sir:

I am directed by the Transit Commission to notify you that you have been nominated by it as a representative of the public of the City of New York as director of the Interborough Rapid Transit Company, to serve for the term ending September, 1924, in accordance with the Plan of Readjustment and a certain Voting Trust Agreement dated May 1, 1922. I enclose a certified copy of the resolution of the Commission making your appointment. Kindly acknowledge receipt of the enclosure.

Very truly yours,
JAMES B. WALKER,
Secretary.

HON. HERMAN A. METZ,
No. 38 West 74th Street,
New York City.

Dear Sir:

I am directed by the Transit Commission to notify you that you have been nominated by it as a representative of the public of the City of New York as director of the Interborough Rapid Transit Company, to serve for the term ending September, 1923, in accordance with the Plan of Readjustment and a certain Voting Trust Agreement dated

[January 3, 1923

May 1, 1922. I enclose a certified copy of the resolution of the Commission making your appointment. Kindly acknowledge receipt of the enclosure.

Very truly yours,
 JAMES B. WALKER,
 Secretary.

9—Case 2300

**The Long Island Railroad Company—Foot Subway at 84th Street (Digby Street)
 —Report and Opinion Approved—Resolution Authorizing Certificate of
 Performance of Work, and Certificate of Performance of Work Approved**

The Secretary presented a report and opinion by Carleton S. Cooke, Assistant Counsel to the Commission, designated to conduct the hearing on final accounting herein, dated December 19, 1922, recommending that the Commission accept and approve the accounting and report of its Civil Engineer, and adopt a resolution authorizing a certificate of performance of work; and a certificate of performance of work.

The Commission approved and ordered said report and opinion filed and adopted and ordered filed a resolution in Case No. 2300, authorizing a certificate of performance of work, and approved the certificate of performance of work.

10—Case 2638

**South Brooklyn Railway Company, Prospect Park & South Brooklyn Railroad
 Company—Manner of Carrying 14th Avenue, etc., Across—Report and Opin-
 ion by Chief Executive Officer Approved—Final Order and Determination
 Adopted.**

The Secretary presented a report and opinion by Lincoln C. Andrews, Chief Executive Officer designated to conduct the hearing herein, dated January 2, 1923, recommending that the Commission find and determine that 14th Avenue, Dahill Road (West Street) and Cortelyou Road, in the Borough of Brooklyn, be carried across the tracks of the South Brooklyn Railway Company and the Prospect Park & South Brooklyn Railroad Company substantially at grade as shown on a map marked Exhibit No. 6 at the hearing of December 20, 1922.

The Commission approved and ordered filed said report and opinion of the Chief Executive Officer and adopted and ordered filed a Final Order and Determination in Case No. 2638, directing that the above mentioned streets be carried across the railroad properties affected substantially at grade as shown on a map or plan marked Exhibit No. 6 at the hearing of December 20, 1922, and entitled, "Map showing the locality and laying out of 14th Avenue, Dahill Road (West Street) and Cortelyou Road, across the right of way of the Prospect Park & South Brooklyn Railroad Company and establishing grades thereon," dated February 9, 1921.

11—Case 2666

**New York & Putnam Railroad—Application of the Board of Estimate & Ap-
 portionment of the City of New York for Determination as to the Manner
 in which Van Cortland Park South Should be Carried Across the Right of
 Way—Hearing Order Adopted Designating Carleton S. Cooke, Assistant
 Counsel to Conduct Hearing**

The Secretary presented a resolution of the Board of Estimate and Apportionment of the City of New York, dated December 15, 1922, requesting the Transit Commission

to determine the method by which Van Cortland Park South should be carried across the right of way of the New York & Putnam Railroad, in the Borough of The Bronx.

The Commission adopted and ordered filed an Order in Case No. 2666, directing that a hearing be held on said application by and before Carleton S. Cooke, Assistant Counsel to the Commission therein duly designated to conduct the same upon a date to be fixed by him.

12—R. T. 7621

Routes Nos. 75 A, B, C-1, C-2, D, and E—Communication from Board of Estimate and Apportionment Advising of Rejection of Routes and General Plans for Construction of Eighth Avenue-Amsterdam Avenue Line—Filed.

The following communication from the Board of Estimate and Apportionment was ordered filed:

December 22, 1922.

Hon. GEORGE McANENY,
Chairman, TRANSIT COMMISSION.

Sir:

The six communications, dated November 28, 1922, from the Transit Commission, transmitting certified copies of six resolutions adopted by said Commission November 28, 1922, determining and establishing routes and general plans of construction for additional rapid transit railways in the Borough of Manhattan, to be known as Eighth Avenue-Amsterdam Avenue Line, Routes Nos. 75 A, B, C-1, C-2, D and E, were this day considered by the Board.

The resolutions approving the plans and conclusions in each instance was unanimously rejected by the Board.

Very truly yours,
JAMES MATTHEWS,
Assistant Secretary.

13—R. T. 7466

Agreement "AZ"—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Additional Appropriation of \$2,336.65 for Construction of Stairway Through Isle of Safety at Borough Hall Station—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 22, 1922, was ordered filed.

(Cal. No. 193)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 22, 1922, the Board of Estimate and Apportionment does hereby consent to an appropriation for additional work, in connection with the contract with Charles J. Adams & Son, Inc. (Agreement "AZ"), for the construction of an additional entrance to the Borough Hall Station through the Isle of Safety, at an estimated cost of two thousand three hundred and thirty-six dollars and sixty-five cents (\$2,336.65); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be two thousand three hundred and thirty-six dollars and sixty-five cents (\$2,336.65); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding two thousand three hundred and thirty-six dollars and sixty-five cents (\$2,336.65), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied in addition to the sum of fourteen thousand four hundred and fifty-nine dollars and ten cents (\$14,459.10) heretofore authorized, to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand

dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 22, 1922.

JAMES MATTHEWS,
Assistant Secretary.

14—R. T. 7627

Route No. 39, Section No. 2—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$350. for Installation of Additional Slatting for Footwalk on West End Line from 25th Avenue to Bay 50th Street—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 22, 1922, was ordered filed:

(Cal. No. 194)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated December 7, 1922, the Board of Estimate and Apportionment does hereby consent to an appropriation to meet the expense of work to be performed by the New York Municipal Railway Corporation, or its Receiver, in installing an additional slatting for the footwalk on the elevated structure of subdivision VIII of the Broadway-Fourth Avenue Line of the railroad described in the contract between The City of New York and the New York Municipal Railway Corporation, known as Contract No. 4, at an estimated cost of three hundred and fifty dollars (\$350); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be three hundred and fifty dollars (\$350); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding three hundred and fifty dollars (\$350) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said work; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 22, 1922.

JAMES MATTHEWS,
Assistant Secretary.

15—R. T. 7589

Contract No. 3—Statement as to Execution and Delivery of Original Contract for Construction of Foundations for Third Addition to Shops Lenox Avenue and 148th Street Yard—Contract Filed

An original contract dated December 26, 1922, between The City of New York, acting by the Transit Commission and Rosenthal Engineering Contracting Company for the construction of foundations for the Third Addition to Shops at the Lenox Avenue and 148th Street Yard, which contract had been executed on behalf of both parties and delivered on December 28, 1922, was ordered filed.

16—R. T. 7521

Route No. 16—Notice by Chief Engineer of Commencement of Work for Installation of Special Work at Approach to Jerome Avenue Yard—Filed

A notice by the Chief Engineer dated December 28, 1922, advising of the commencement of work on December 21, 1922, by the Interborough Rapid Transit Company under the agreement for the installation of Special Work on the Main Line tracks at the approach to the Jerome Avenue Yard, was ordered filed.

17—R. T. 7609

Agreement "CD"—Notice by Chief Engineer of Commencement of Work for Construction of Transformer Closets for Emergency Lighting—Filed

A notice by the Chief Engineer dated December 28, 1922, advising of the commencement of work on December 27, 1922, by John Pollock for the construction of transformer closets for emergency lighting, Borough of Brooklyn, Agreement "CD," was ordered filed.

18

Employees' Resolution No. 121

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Aaron D. Fleshler, junior electrical engineer, at \$125.08 per month, to take effect January 2, 1923; Selig Kunofsky, draftsman, at \$150.08 per month, to take effect January 2, 1923; Louis Marder, accountant, at \$150.08 per month, to take effect December 23, 1922; Jesse Perlmutter, accountant, at \$150.08 per month, to take effect December 27, 1922; Edward Schlechtiger, junior electrical engineer, at \$125.08 per month, to take effect January 2, 1923.

Appointments under Rule VIII:4—Aaron Cohen, junior assistant, at \$125.08 per month, to take effect January 2, 1923; Frederick W. Greenhut, junior electrical engineer, at \$125.08 per month, to take effect January 2, 1923; James T. Hannigan, junior electrical engineer, at \$125.08 per month, to take effect January 2, 1923; Frank M. Hill, draftsman, at \$150.08 per month, to take effect January 2, 1923; Walter H. Lankenau, junior assistant, at \$125.08 per month, to take effect January 2, 1923; Adolph Lehman, junior electrical engineer, at \$125.08 per month, to take effect January 2, 1923; Harry W. Schulman, draftsman, at \$150.08 per month, to take effect January 2, 1923.

Resignations—Hyman H. Rosenberg, junior assistant, at \$125.08 per month, to take effect January 2, 1923.

Leave of Absence with Pay—Charles Lahr, junior engineer, from December 19, 1922, to December 26, 1922; Dora V. Lehrer, stenographer, from December 16, 1922, to December 22, 1922.

Leave of Absence without Pay—Charles Lahr, junior engineer, from December 27, 1922, to January 1, 1923.

19

Voucher Schedule No. 1

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Voucher Nos. 1-13, open market orders, \$2,668.16; Vouchers Nos. 1-9, miscellaneous bills, \$18,831.90.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

- Voucher No. 1; George Colon & Co.; approximate estimate No. 4 for miscellaneous construction and station finish on certain portions of rapid transit railroads, Agreement "BH," Groups I, II and III, from November 21, 1922, to December 23, 1922 (R. T. 7476) \$1,964.29;
- Voucher No. 2; Slattery Engineering & Construction Co., Inc.; approximate estimate No. 2 for the installation of frogs, switches, track and bumping posts in a yard near Jerome Avenue and Mosholu Parkway, Route No. 16, from December 1, 1922, to December 31, 1922 (R. T. 7577), \$3,261.46;
- Voucher No. 7; John L. Klages, or Benj. Trapnell, Attorney, award for damages to easements of light, air and access to property at Nos. 410 to 422 Jackson Avenue, Borough of Queens, New York, as per Supreme Court Order (Action 1) \$2,134.90;
- Voucher No. 8; John L. Klages, or Benj. Trapnell, Attorney, award for damages to easements of light, air and access to property at No. 424 Jackson Avenue, Borough of Queens, New York, as per Supreme Court order (Action No. 2) \$1,646.08.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, January 4, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary. The following matter was presented and action taken as noted:

20—R. T. 7419

Contracts Nos. 3 & 4—Receipt of Bids for Completion of Built-in Newsstand Enclosures at Stations—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the completion of built-in newsstand enclosures at stations of rapid transit railroads had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids. The Secretary presented the proper affidavits of publication and opened the box and read the six bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, January 9, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

21—R. T. 7423

Agreement "CH"—Resolution Approving Amended Requisition Upon Board of Estimate and Apportionment for Appropriation for Elevators at 168th Street Station—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

Resolved, That the proposed communication to the Board of Estimate and Apportionment now prepared and submitted by Counsel modifying the requisition of December 27,

1922, upon the Board of Estimate and Apportionment for the consent of said Board to, and the appropriation of the money necessary to carry out the proposed contract with the Otis Elevator Company for the furnishing and installing of two electric passenger elevators in said new entrance to the 168th Street station of the Manhattan-Bronx Railroad be and the same hereby is approved and adopted and that the Chairman of this Commission be and he hereby is authorized and directed to sign and transmit said proposed communication.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

January 9, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Under date of December 27, 1922 the Transit Commission, pursuant to the authority vested in it submitted to your Honorable Board for its consent a proposed contract between The City of New York, acting by this Commission and Otis Elevator Company for furnishing and installing two electric passenger elevators in the new entrance to the 168th Street Station of the Manhattan-Bronx Rapid Transit Railroad being constructed pursuant to the contract consented to by your Honorable Board on May 5, 1922, such work forming part of that included in the agreement modifying Contract No. 1 for that purpose. There was also included in such submission a request that there be applied for the purposes of meeting the City's obligations under the proposed contract with the Otis Elevator Company the sum of \$89,550 of the appropriation of the sum of \$475,000 made by your Honorable Board on February 3, 1922 for the reconstruction of the said 168th Street Station. This request was made without cognizance of the fact that at the time your Honorable Board consented to the proposed contract with Holbrook, Cabot & Rollins for the construction of the new entrance to said station appropriating for that purpose the sum of \$283,332; that your Honorable Board by separate resolution amended the resolution of February 3, 1922 so as to substitute therein the figures "\$283,332" for the figures \$475,000 wherever they appeared thereby, in the words of the resolution, "rescinding the sum of One hundred and Ninety-one thousand Six hundred and Sixty-eight (\$191,668) Dollars, in Code CCN-103-B.

Under these conditions therefore, the request of the Transit Commission as set forth in its communication of December 27, 1922, in relation to the proposed contract with the Otis Elevator Company, cannot be complied with.

Your Honorable Board is therefore requested to appropriate for the purposes of the contract dated February 21, 1900 between The City of New York and Interborough Rapid Transit Company as Assignee, known as Contract No. 1, for the construction, maintenance and operation of the Manhattan-Bronx Rapid Transit Railroad as modified by the agreement dated June 21, 1917 consented to by your Honorable Board on May 25, 1917 for the purposes of constructing the additional entrance to the 168th Street station of said rapid transit railroad, the additional sum of Eighty-nine thousand, Five hundred and Fifty (\$89,550) Dollars being the estimated expense to the City of carrying out the proposed contract with the Otis Elevator Company, pursuant to a form of contract submitted with the communication of December 27, 1922 aforesaid, which your Honorable Board is requested to consider modified to the extent herein set forth.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

22—R. T. 7600, 7601, 7603

Route No. 52, Sections Nos. 1 & 3—Communication from Board of Estimate and Apportionment Referring Back Proposed Contracts for Construction of Parts of Flushing Line—Referred to Chief Engineer to Report to Chairman.

The following communication from the Board of Estimate and Apportionment was referred to the Chief Engineer to report to the Chairman:

(Cal. No. 37 and 272)

January 5, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sirs:

At the meeting of the Board of Estimate and Apportionment on January 5, 1922, the following matters were referred back to the Transit Commission:

(1) Communication dated October 31, 1922, submitting for the consent of the Board, proposed contract with the Oakdale Contracting Company, Inc., the lowest of nine bidders, for the construction of a part of the rapid transit railroad, "Flushing Route," Route No. 52, Section No. 3 (Amity street), and requesting that the Board authorize an issue of \$1,635,950.75 corporate stock as a sub-authorization under Contract No. 3, to meet the estimated expense to the City of carrying out said proposed contract.

(2) Communication dated November 14, 1922, from the Transit Commission, submitting for the consent of the Board, proposed contract with Gustin Morris Contracting Corporation (the lowest of ten bidders), for the construction of foundations, Route No. 52, Section 1, Flushing Route, and requesting the Board to appropriate the sum of \$91,612.50, the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

(3) Communication dated December 19, 1922, submitting for the consent of the Board proposed contract to be entered into with the Phoenix Bridge Company (the lowest of seven bidders), for furnishing and erecting structural steel for a part of the Rapid Transit Railroad, Flushing Route, Route No. 52, Section No. 1, and requesting the Board to authorize an additional appropriation of \$615,880 under Contract No. 3 for the purpose of paying the estimated expense to the City of carrying out said proposed contract.

These matters were referred back to the Transit Commission, because, in the approaches to the bridge over the Flushing River, which are included in these contracts (and, in the bridge itself, the plans for which have not yet been submitted), there appears to be no provision for any kind of a highway connection between Flushing and Corona, and, as it is quite evident that the traffic necessities of the very near future will demand adequate highway facilities at this point, there appears to be no reason why the same public expenditure should not provide such highway facilities, along with the rapid transit line, over the bridge; so that any plan approved and adhered to, should be sufficiently comprehensive to provide for both. It appears to this Board that the recommended action will occasion no delay, as the Transit Commission has taken no steps to construct the storage yard in connection with this line (the acquisition of a site for which was approved by this Board on June 4, 1920), nor has it presented a contract for the construction of the bridge referred to.

Respectfully,

JAMES MATTHEWS,
Assistant Secretary.

23—R. T. 7419

Contracts Nos. 3 & 4—Report by Chief Engineer as to Receipt of Bids for Completion of Built-in Newsstand Enclosures and Recommending that bids be Rejected and that Cost of Readvertising be Charged to Lowest Bidder—Resolution Rejecting Bids and Directing Bids be Readvertised, the Expense to be Deducted from Certified Check Deposited by Contractor with Bid

A report by the Chief Engineer dated January 4, 1923, as to the result of the bids received on January 4, 1923, for the completion of built-in newsstand enclosures at stations of rapid transit railroads and recommending that bids be rejected by reason of an error by the lowest bidder and that bids be readvertised and that the expense for same be deducted from the certified check deposited by Benedetto & Saussez, was presented.

The following resolution was adopted:

Whereas, Pursuant to resolution adopted by this Commission on December 12, 1922, the proposed contract adopted May 23, 1922, for the completion of built-in newsstand enclosures at stations of municipal rapid transit railroads (under Contracts Nos. 3 and 4) was readvertised and bids were received January 4, 1923; and

Whereas, By communication dated January 4, 1923, the Chief Engineer of this Commission has reported the following bids were received:

Benedetto & Saussez.....	\$36,820.00
D. C. Serber.....	55,000.00
Norman A. Deiser.....	57,686.30
Chas. J. Adams & Sons, Inc.....	57,777.00
Chas. Meads & Co.....	66,154.00
John B. Roberts.....	67,527.00

that subsequently a communication was received from the low bidder, Benedetto & Saussez that they had made a mistake in their bid and requesting permission to withdraw the same; that the error was as follows:

"The error in their bid is confined to item "533D windows, kalemien (a) Newsstand". This should have been bid for per lineal foot as unit while this bidder in accordance with their statement bid per square foot and it is evident from looking over their bid that the statement in their letter that the error was due to a "clerical error", in mis-reading lineal foot for square foot is correct. In their letter the lowest bidder states: 'We are willing to pay for the expense of readvertising the same.' Under the circumstances, I consider it advisable that all bids received today for this work be rejected. Attached I send you copy of undated letter received today referred to above from Benedetto & Saussez."

and recommend that the bid so received be rejected and that the said proposed contract be readvertised, the cost thereof to be charged to and deducted from the certified check of \$500 deposited by said Benedetto & Saussez.

Resolved, That the said report and recommendation be and the same hereby are approved; that all the bids received for said proposed contract on January 4, 1923, be and the same hereby are in all respects rejected and that the Secretary of this Commission be and hereby is authorized and directed to return to such bidders the certified checks deposited with every bid with the exception of the certified check of Benedetto & Saussez,

Further Resolved, That the Invitation to Contractors forming part of said proposed contract as adopted on May 23, 1923, aforesaid be published in The City Record every day of publication continuously from and including January 11, 1923, to and including January 25, 1923, and on January 15, 1923, and January 22, 1923, in The World and The Evening Telegram, daily newspapers published in The City of New York and that such bids as shall be received shall on the 25th day of January, 1923, at eleven thirty (11:30) o'clock a. m. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission and read,

Further Resolved, That the expense of such readvertising be charged to and deducted from the said certified check in the sum of \$500. deposited by Benedetto & Saussez and hereby retained.

24—R. T. 7635

Agreement "CE"—Form of Contract, Specifications, Invitation to Contractors, etc. for Making Alterations in Structure of Broadway-Fourth Avenue Rapid Transit Railroad so as to Permit Widening of Certain Streets in Borough of Manhattan—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contracts and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings for making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad Structure at various locations to permit widening of streets, Borough of Manhattan, (Agreement "CE"),

Ordered, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings for making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad Structure at various locations to permit widening of streets, Borough of Manhattan (Agreement "CE") be and hereby are approved and adopted and that said Invitation to Contractors be published in The City Record every day of publication continuously from and including January 11, 1923, to and including January 25, 1923, and on January 15th, 1923, and January 22, 1923, in The New York Tribune and The Sun, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 25th day of January, 1923, at eleven-thirty (11:30) o'clock a. m., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

25—R. T. 7026

Route No. 8, Section No. 6A-1—Application by Joslin Construction Company, Inc., for Return of Certified Check Deposited with Bid—Application Granted

An application dated January 8, 1923, from the Joslin Construction Company, Inc., second lowest bidder, for the return of the certified check in the sum of \$25,000 deposited with the bid of the company on December 22, 1922, for the construction of Section No. 6A-1 of Route No. 8, was granted.

26—R. T. 6892

Route No. 8, Section No. 2—Report by Chief Engineer Recommending Extension of Time to and Including October 31, 1922, Within Which to Complete Work—Approval Resolution

A report by the Chief Engineer dated January 3, 1923, recommending an extension of time to Patrick McGovern, Inc., to and including October 31, 1922, within which to complete work under the contract for the construction of Section No. 2 of Route No. 8, of the Fourteenth Street-Eastern Line was presented. The following resolution was adopted:

Whereas, The contract dated July 12, 1920, between The City of New York, acting by the Transit Construction Commissioner, and Patrick McGovern, Inc. (as assignee of Patrick McGovern) for the completion of construction of that part of the Fourteenth Street-Eastern Rapid Transit Railroad, Section No. 2 of Route No. 8, requires, in Article LIV thereof that the contractor shall, within fifteen (15) months from the date of the delivery of said contract, complete the Railroad in all respects as may be necessary to put the railroad in condition for immediate, full and continuous operation and shall complete all other work covered by said contract (except the maintenance of street surface) within twenty-four (24) months from the date of delivery of said contract; and

Whereas, It is also provided in Article LV of said contract that in case the contractor shall be actually and necessarily delayed "by reason of any labor strike * * * or in case the contractor shall be actually and necessarily delayed by any injunction or by any interference of public authority or by the suspension of the whole or any part of the work by the Commissioner * * *", then the said period of 15 and 24 months shall be extended by the amount of such delay as determined by the Commission; and

Whereas, By resolution adopted November 1, 1921, this Commission approved and adopted the certificate of the Chief Engineer made pursuant to Article XXXVII-A of said contract; that the said Patrick McGovern, Inc., as such assignee, did complete the railroad in all respects as was necessary to put the railroad in condition for immediate, full and continuous operation within fifteen (15) months from the date of the delivery of said contract on July 12, 1920; and

Whereas, By communication dated January 3, 1923, the Chief Engineer of this Commission has reported with respect to the completion of all the work under said

contract; that the contract period of 24 months was exceeded by 3 months and 19 days; that such excess time was justified for the reasons more particularly set forth in the said report and recommends, in accordance with the provisions of said contract, that the time for the completion of all the work under said contract (except maintenance of street surface) be extended to and including October 31, 1922.

Resolved, That the said report and recommendation be and the same hereby is approved; that the time of Patrick McGovern, Inc., under said contract, within which to complete all the work (except maintenance of street surface) be and the same hereby is extended to and including October 31, 1922, provided, however, that this extension of time shall not take effect unless and until it shall be consented to in writing by the sureties upon the bond deposited by said contractor as security for the faithful performance on its part of said contract and unless and until it shall be accepted in writing by the said contractor in form to be approved by Counsel to this Commission expressing the understanding that the extension of time herein granted shall in no way for any purpose be deemed a recognition or admission of any claim legal or equitable made or which may be made by the Contractor under the said contract and the fact that such an extension of time is herein granted shall not be used by the said Contractor in any action or proceeding at law or in equity as evidence of an admission of any claim or claims of the said Contractor under the said contract and that the grant of such extension of time as herein provided shall in no way defeat or impair any claim or defense of the City of New York in any action or proceeding growing out of said contract aforesaid.

27—R. T. 7007

Contract No. 3—Two Applications from Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Orders for Material to be Installed on 100 New Steel Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

Two applications dated December 18, 1922, and December 19, 1922, from the Interborough Rapid Transit Company, by J. F. Sloan, Assistant Purchasing Agent, requesting approval of proposed purchasing agent's orders to be issued to the Western Electric Company for furnishing 214,200 feet of conduit at a cost of \$10,501.34 and to the Columbia Machine Works & Malleable Iron Company for furnishing signal, train line, operators and boxes at a cost of \$8,800 to be installed on 100 new steel trailer cars, were presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer, dated December 30, 1922, recommending that the orders be approved was also presented.

The following resolutions were adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922, in Case No. 2627 and approved the petition dated June 23, 1922, of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. 1BA-3; and

Whereas, Pursuant to the provisions of said Contract No. 3 and said order of July 6, 1922, and the said proposed contract approved by said resolution of August 8, 1922, Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated December 18, 1922, directed to the Western Electric Company for the manufacture and delivery of the following:

Item No.

- 1 150,000 Ft. Conduit, 3/4" loricated. Price: \$47.00 per M. Ft.
- 2 36,000 Ft. Conduit, 1/2" loricated. Price: 47.00 per M. Ft.
- 3 25,000 Ft. Conduit, 3/4" loricated. Price: 59.50 per M. Ft.
- 4 3,200 Ft. Conduit, 1" loricated. Price: 84.95 per M. Ft.

Delivery to be made to our 128th Street and Second Avenue Storehouse, New York, N. Y., as follows:

- 25% January 1st, 1923.
- 25% weekly thereafter.

Manufacturer must guarantee that all of the above conduit is absolutely clear and free of obstructions.

Other Bidders.

	Item 1	Item 2	Item 3	Item 4
E. L. Latham & Co.....	\$49.58 M. Ft.	\$49.58 M. Ft.	\$62.70 M. Ft.	\$89.30 M. Ft.
Sibley-Pitman Elec. Co.	52.82 M. Ft.	52.82 M. Ft.	67.08 M. Ft.	95.94 M. Ft.
Manhattan Electrical Supply Co.	47.10 M. Ft.	47.10 M. Ft.	59.56 M. Ft.	84.98 M. Ft.
Thomas & Bettes Co.....	No Bid	No Bid	No Bid	No Bid

which purchasing agent's order has been caused to be designated as "Approved No. 429"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have by communication dated December 30, 1922, reported that the said equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922, and August 8, 1922, and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922, in Case No. 2627 and approved the petition dated June 23, 1922, of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. 1BA-3; and

Whereas, Pursuant to the provisions of said Contract No. 3 and said order of July 6, 1922, and the said proposed contract approved by said resolution of August 8, 1922, Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated December 19, 1922, directed to the Columbia Machine Works and Malleable Iron Company for the manufacture and delivery of the following:

Item No.

- 1 200 boxes, car door train line junction complete, as per item 9, on Spec. 95-D and B/P 9896-A. Price: \$7.20 each.....\$1,440.00
- 2 200 boxes, door lock interlock, complete as per item 11, on Spec. 95-D and B/P 9817-A. Price: \$11.70 each..... 2,340.00
- 3 400 boxes, R. H. door signal contact, details as shown on B/Ps 8805-E and 8813-L and to be assembled, as per B/P 8811-E and item 5 on Spec. 95-D. Price: \$6.70 each..... 2,680.00

Item No.

4 200 boxes, L. H. door signal contact, details as shown on B/Ps 8805-E and 8813-L and to be assembled as per B/P 8811-E and item 5 on Spec. 95-D. Price: \$6.70 each.....	1,340.00
5 200 boxes, door operator's indication lamp, complete, details, per B/P 9824-B, 9836-A, 9746-D and to be assembled per B/P 9330-D. Price: \$5.40 each..	1,080.00
Total	\$8,880.00

Deliveries to be made as follows: 25% at once. Balance 25% weekly.

Other Bidders.

National Pneumatic Company, total bid.....	\$15,180.00
Westinghouse Electric & Manufacturing Co., total bid.....	13,980.00
*Consolidated Car Heating Company, total bid.....	7,120.00
General Electric Company.....	No Bid

which purchasing agent's order has been caused to be designated as "Approval No. 430"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have by communication dated December 30, 1922, reported that the said equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and recommend that said proposed purchasing agent's order be approved.

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922, and August 8, 1922, and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

28—R. T. 6416

Routes Nos. 36 & 37, Section No. 1—Applications by New York Municipal Railway Corporation for Approval of Six Proposed Purchasing Agent's Orders for Material to be Used in Interlocking Plants at Queensboro Plaza Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Memorandum by Auditor of Rapid Transit Costs Recommending Work be Approved as Equipment—Approval Resolutions

Two applications from the New York Municipal Railway Corporation, dated December 12, 1922 and December 18, 1922, requesting approval of six proposed purchasing agent's orders for materials to be used in interlocking plants east and west of Queensboro Plaza Station, as described below, were presented.

A report by the Engineer of Equipment and Operation and Chief Engineer, dated December 30, 1922, stating that the prices are reasonable and recommending that the orders be approved, was also presented.

The following resolutions were adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, has, by communication dated December 12, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 9, 1922, directed to Hazard Mfg. Co. for the following:

*Did not quote on items 1, 2 and 5.

	<i>Per 1000 ft.</i>
65000 feet #14 A. W. G. Class "A" Wire.....	\$ 17.85
5000 feet #14 A. W. G. Class "B" Wire.....	20.25
10000 feet #14 A. W. G. Class "E" Wire.....	10.40
3000 feet #6 A. W. G. Class "D" Wire.....	58.25
5500 feet 3-Conductor Cable, Class "Q" consisting of three #6 A. W. G. Conductors and made up in the following lengths:	

2 pieces 1100 ft. each	
2 pieces 1400 ft. each	
1 piece 500 ft. each.....	158.00

1400 feet 30-Conductor Cable, Class "Q" consisting of 30 #16 A. W. G. Conductors made up in two pieces each 700 feet long	229.60
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F. O. B. factory with freight allowed to 40th St. Sta., So. Brooklyn Ry. which proposed purchasing agent's order has been caused to be designated as "Approval No. 333"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, has, by communication dated December 12, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 9, 1922, directed to General Railway Signal Co. for the following:

	<i>Each</i>
1 N. Y. Municipal Standard operating switchboard.....	\$200.00
1 N. Y. Municipal Standard Spot-light type illuminated track diagram inside dimensions 18"x6' and to have 58 lights and 65 wire terminals	325.00
4 Model 5, 3 position switch-circuit controllers, figure A-1, plate K-0113	30.00
4 Switch-circuit-controller operating rods, Fig. B Plate K-0127.....	3.75
5 N. Y. Mun. Standard Outdoor, Color-light home signals complete less relay cases	175.00
2 N. Y. Mun. Standard single relay boxes, Fig. A Plate N-1003.....	50.00
11 N. Y. Mun. Standard double relay boxes, Fig. C Plate N-1003....	112.50
2 N. Y. Mun. Standard tower relay cases, Fig. A Plate N-1007.....	125.00
3 Model 2A two-position, six-way track relays, No. 36102 List 65, Plate N-0103	135.00
2 Model 2A two-position, six-way track relays, No. 36102 List 10, Plate N-0103	135.00
5 Balancing Impedance Units, Plate N-1313.....	15.00
10 Type K-2 Track Transformers, No. 43730. List 2, Plate P-0105.....	45.00
6 Model 2A three-position, six-way line relays, No. 36103 List 20, Plate N-0103	140.00
10 Model 2-B, three position, six-way, line relays, No. 37313 List 19, Plate N-0201	120.00

All F. O. B. Rochester.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 334"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, has, by communication dated December 12, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 9, 1922, directed to General Railway Signal Co. for the following:

	<i>Each</i>
6 Model 2B three-position, six-way line relays No. 37313 List 17, Plate N-0201	\$ 120.00
7 Model 2B two-position, six-way line relays No. 37312 List 8 Plate N-0201	110.00
1 Model 2, Unit lever, type Electric-interlocking machine, Plate G-0105, with 15 working levers and 21 spare spaces, as follows:	
4 switch levers (for 2 crossovers)	
5 home-signal levers	
1 dwarf-signal lever	
3 approach signal levers	
2 traffic levers	
6 lever locks	
5 call-on levers	
15 lever lights	3,691.00
1 seven-way screw release group complete, mounted in one case with finish to match cabinet of interlocking machine.....	275.00
F. O. B. Rochester.	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 335"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the

First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, has, by communication dated December 12, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 9, 1922, directed to General Railway Signal Co. for the following:

- Each*
- 8. A. C. 25 cycle, 110 volt automatic train stop layouts complete with mechanism, shaft, bearing, arm, shaft crank and adjustable shaft driver, Ref. G. R. S. Co.'s Dg. 50100-1 and No. 48637..... \$550.00

F. O. B. Rochester.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 336"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, has, by communication dated December 12, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 9, 1922, directed to General Railway Signal Co. for the following:

- Ea. Net*
- 3 NYM Standard, double, 3-light, outdoor, light home signals complete with call-on signals and pedestals for mounting on relay case less relay case \$175.00
 - 8 NYM Standard, double relay cases, Fig. C. Plate N-1003..... 112.50
 - 3 NYM Standard, single relay cases, Fig. A. Plate N-1003..... 50.00
 - 2 NYM Standard, tower relay cases, Fig. A. Plate N-1007..... 125.00
 - 4 AC Track relays, #36102, List #10..... 135.00
 - 2 AC 2 pos. line relays, #36102, List #15..... 135.00
 - 4 AC 3 pos. line relays, #36103, List #20..... 140.00
 - 8 AC 3 pos. line relays, #37313, List #17..... 120.00
 - 3 AC 2 pos. line relays, #37312, List #8..... 110.00

All F.O.B. point of shipment

which proposed purchasing agent's order has been caused to be designated as "Approval No. 337"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is

which proposed purchasing agent's order has been caused to be designated as "Approval No. 334"; and

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Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4. Lindley M. Garrison, has, by communication dated December 12, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 9, 1922, directed to General Railway Signal Co. for the following:

	<i>Each</i>
6 Model 2B three-position, six-way line relays No. 37313 List 17, Plate N-0201	\$ 120.00
7 Model 2B two-position, six-way line relays No. 37312 List 8 Plate N-0201	110.00
1 Model 2, Unit lever, type Electric-interlocking machine, Plate G-0105, with 15 working levers and 21 spare spaces, as follows:	
4 switch levers (for 2 crossovers)	
5 home-signal levers	
1 dwarf-signal lever	
3 approach signal levers	
2 traffic levers	
6 lever locks	
5 call-on levers	
15 lever lights	3,691.00
1 seven-way screw release group complete, mounted in one case with finish to match cabinet of interlocking machine.....	275.00
F. O. B. Rochester.	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 335"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the

First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, has, by communication dated December 12, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 9, 1922, directed to General Railway Signal Co. for the following:

- Each*
- 8 A. C. 25 cycle, 110 volt automatic train stop layouts complete with mechanism, shaft, bearing, arm, shaft crank and adjustable shaft driver, Ref. G. R. S. Co.'s Dg. 50100-1 and No. 48637..... \$550.00
F. O. B. Rochester.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 336"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, has, by communication dated December 12, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 9, 1922, directed to General Railway Signal Co. for the following:

	<i>Ea. Net</i>
3 NYM Standard, double, 3-light, outdoor, light home signals complete with call-on signals and pedestals for mounting on relay case less relay case	\$175.00
8 NYM Standard, double relay cases, Fig. C. Plate N-1003.....	112.50
3 NYM Standard, single relay cases, Fig. A. Plate N-1003.....	50.00
2 NYM Standard, tower relay cases, Fig. A. Plate N-1007.....	125.00
4 AC Track relays, #36102, List #10.....	135.00
2 AC 2 pos. line relays, #36102, List #15.....	135.00
4 AC 3 pos. line relays, #36103, List #20.....	140.00
8 AC 3 pos. line relays, #37313, List #17.....	120.00
3 AC 2 pos. line relays, #37312, List #8.....	110.00

All F.O.B. point of shipment

which proposed purchasing agent's order has been caused to be designated as "Approval No. 337"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is

authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison has, by communication dated December 18, 1922, submitted for the approval of this Commission proposed purchasing agent's order dated December 15, 1922, directed to General Railway Signal Co. for the following:

5 NYM Standard, Single, 3 Light, Outdoor, Light Block Signals complete with pedestal for mounting on relay case, less relay case.....	\$90.00 Ea. Net
10 A. C. Track Relays #36100, List #65.....	115.00 Ea. Net
2 A. C. Track Relays #36102, List #30.....	135.00 Ea. Net
3 A. C. 3-Pos. Line Relays #37311, List 24.....	100.00 Ea. Net
7 A. C. 2-Pos. Line Relays #37310, List 51.....	90.00 Ea. Net
2000 Black Fibre Tags, GRS. Cat. Pt. E-1107, Fig. 19....	3.50-1000 Net
2000 Wire Eyelets for 1/4" post and #14 wire GRS Cat. Plate E-1111, Fig. 2.....	2.50-1000 Net
1 Approach Signal Lever complete for Space #28.....	112.00 Ea. Net
2 Polarized Relays for Switch levers, Ref. GRS Cat. plate C-0504. DWG. 33880GR1.....	22.50 Ea. Net
3 No. Plates for screw release cases, numbers to be 5-10 and 21 respectively, Ref. GRS Dwg. 50890-1, Ref. No. 5.....	.90 Ea. Net
2 110 volt. D. C. Pole changers for model #5 switch machine to be complete as per Fig. A1, Plate J-2115, GRS Cat. except as follows:	
(a) Pole changer to be equipped with eight normal and eight reverse contact springs all as per Fig. 31 Plate J-2115.	
(b) Coils to be wound to a higher resistance in order to obtain a lower value for the operating current (Approx. 0.2 ampere).....	115.00 Ea. Net
	F.O.B. point of shipment

which proposed purchasing agent's order has been caused to be designated as "Approval No. 338"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated December 30, 1922, reported that the material is to be used in the interlocking plants to be installed east and west of the Queensboro Plaza Station of the Broadway-Fourth Avenue Rapid Transit Railroad; that the installation of such interlocking plants was approved by this Commission on October 24, 1922; that the material is necessary and the prices specified are reasonable and the lowest obtainable and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By memorandum dated January 4, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said purchasing agent's order as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved; and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

29—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Agreement for Furnishing Two Boilers for 59th Street Power House—Referred to Commissioner O’Ryan

An application dated January 8, 1923, from the Interborough Rapid Transit Company, requesting approval of a proposed agreement with Babcock & Wilcox for fur-

nishing two 1200 H. P. boilers for the 59th Street power house, at a cost of \$50,765.00, was referred to Commissioner O'Ryan.

30—R. T. 7354

Contract No. 3—Stipulation Extending time to February 28, 1923, for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1921—Approved

A stipulation dated December 31, 1922, between the Transit Commission and the Interborough Rapid Transit Company extending the time to and including February 28, 1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1921, provided for in Subdivision 5 of Article XLIX of Chapter II of Contract No. 3, was approved.

31—R. T. 7354

Contract No. 3—Stipulation Extending Time to February 28, 1923, for Determinations as to Depreciation and Excess Maintenance for Year Ended June 30, 1922—Approved

A stipulation dated December 31, 1922, between the Transit Commission and the Interborough Rapid Transit Company extending the time to and including February 28, 1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1922, provided for in Subdivision 5 of Article XLIX of Chapter II of Contract No. 3, was approved.

32—R. T. 7235

Elevated Extension Certificate—Stipulation Extending Time to February 28, 1923, for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1921—Approved

A stipulation dated December 31, 1922, between the Transit Commission and the Interborough Rapid Transit Company, extending the time to and including February 28, 1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1921, provided for in Subdivision 5 of Article XII of the Extension Certificate of the Interborough Rapid Transit Company, was approved.

33—R. T. 7235

Elevated Extension Certificate—Stipulation Extending Time to February 28, 1923, for Determination As to Depreciation and Excess Maintenance for Year Ended June 30, 1922—Approved

A stipulation dated December 31, 1922, between the Transit Commission and the Interborough Rapid Transit Company extending the time to and including February 28, 1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1922, provided for in Subdivision 5 of Article XII of the Extension Certificate of the Interborough Rapid Transit Company.

34—R. T. 6595

Contract No. 4—Statements from New York Consolidated Railroad Company of Results of Operation for Month of November, 1922 and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

A communication dated January 5, 1923, from the New York Consolidated Railroad Company, by Howard Abel, Comptroller for Lindley M. Garrison, Receiver, submitting statements of Results of Operation for the month of November, 1922, for the period from August 4, 1913 to November 30, 1922, and the status of Maintenance and Depreciation Funds, under Contract No. 4, was referred to the Chief Accountant.

35—Case 1292

The New York Central Railroad Company—Operation of Freight Trains on Eleventh Avenue—Report Filed

The Secretary presented a report by the Chief of Transit Bureau, approved by the Chief Executive Officer, dated January 4, 1923, advising that authority had been given The New York Central Railroad Company to suspend the Order herein from January 4th to 10th, inclusive.

The Commission ordered the report filed.

36—Case 2667

Interborough Rapid Transit Company—Application of Merchants & Taxpayers' Alliance of North Bronx for Change of Name of the 210th Street-Williamsbridge and the Gun Hill Road Stations—Hearing Order Adopted

The Secretary presented a communication, dated November 28, 1922, from the Merchants & Taxpayers' alliance of the North Bronx, making application for change of name of the 210th Street—Williamsbridge and the Gun Hill Road stations on the Third Avenue Elevated Line of the Interborough Rapid Transit Company; and a report by the Chief of Transit Bureau, approved by the Chief Executive Officer, dated January 6, 1923, recommending that a hearing on said application be held.

The Commission adopted and ordered filed an Order in Case No. 2667, directing that a hearing be held on said application before George L. Lucas, Assistant to the Chief Executive Officer of the Commission therein duly designated to conduct the same on January 19, 1923, at 10:30 o'clock in the forenoon.

37

Public Service Commission of Oregon—Communication re American Telephone & Telegraph Company Violations Clayton Anti-Trust Law—Chairman to Reply

The Secretary presented a statement of apparent violations of the Clayton Anti-Trust Law by the American Telephone & Telegraph Company and its subsidiaries.

The Commission authorized the Chairman to advise the Oregon Commission that the jurisdiction of this Commission was limited to transportation companies within the City of New York and that therefore it could not participate in any action contemplated by the Oregon Commission.

38—Case 2253

The New York Central Railroad Company—238th Street Bridge—Report Filed

The Secretary presented a report by Carleton S. Cooke, Assistant Counsel to the Commission, dated January 5, 1923, advising the Commission that a peremptory mandamus Order herein had been signed by Mr. Justice McCook and advising the Commission that counsel for the railroad company would apply for a stay of said Order pending appeal.

The Commission ordered the report filed.

39—Cases 2182, 2218, 2306, 2662

Interborough Rapid Transit Company—Plan of Readjustment—Acceptances by Abel E. Blackmar and Herman A. Metz of Designations as Members of the Board of Directors of the Interborough Rapid Transit Company

The Secretary presented a communication from Abel E. Blackmar, dated January 6, 1923, and from Herman A. Metz, dated January 6, 1923, accepting designation as directors of the Interborough Rapid Transit Company, pursuant to its Plan of Readjustment.

The Commission ordered said communications filed.

40—R. T. 6905

Route No. 48, Section No. 3—Communication from Board of Estimate and Apportionment as to Communication from Commission Requesting Return of Requisition for Payment of Judgment Obtained by New York Dock Company—Filed

The following communication was ordered filed:

(Cal. No. 221)

January 5, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sirs:

At the meeting of the Board of Estimate and Apportionment on January 5, 1923, in compliance with your request of December 29, 1922, your communication dated December 8, 1922, requesting as a sub-requisition under contract No. 4, appropriation of \$9,000 and additional appropriation of \$150.05 costs, plus the sum of \$10 appeal costs, in connection with judgment obtained by the New York Dock Company, was placed on file.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

41—R. T. 7411

Contract No. 4—Communication from Corporation Counsel Requesting Verification and Signature to Petition for Order of Condemnation for Acquisition of Property for Coney Island Storage Yard—Filed

A communication from George P. Nicholson, Corporation Counsel, dated January 5, 1923, submitting for verification and signature as required by Section 43 of the Rapid Transit Act, a petition to the Supreme Court for an order of condemnation for the acquisition of an estate in fee simple absolute in and to certain premises on Shell Road between 85th Street and Coney Island Creek in the Borough

of Brooklyn, was ordered filed, the petition having been signed and returned to the Corporation Counsel.

42—R. T. 7530

Routes Nos. 4 & 36, Section No. 4—Statement as to Execution and Delivery of Original Agreement for Installing Special Work Between Express Tracks North of Times Square—Agreement Filed.

An original agreement dated January 3, 1923, between the City of New York, acting by the Transit Commission, Lindley M. Garrison as Receiver of the New York Consolidated Railroad Company and the New York Consolidated Railroad Company, for the installation of special work between the express tracks of the Broadway-Fourth Avenue Rapid Transit Railroad north of Times Square, which agreement had been executed on behalf of all parties and delivered on January 5, 1923, was ordered filed.

43

Employees' Resolution No. 122

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Harry W. Henderson, draftsman, at \$150.08 per month, to take effect January 4, 1923.

Appointments under Rule VIII:4—Maurice Friedlander, junior assistant, at \$125.08 per month, to take effect January 5, 1923; Elliott S. Manion, junior assistant, at \$125.08 per month, to take effect January 4, 1923; Milton Sokolow, junior assistant, at \$125.08 per month, to take effect January 9, 1923.

Appointments under Rule V:4—Frances Demato, janitor, at \$10.00 per month, to take effect January 1, 1923.

Appointments under Rule VIII:9—James Bousfield, draftsman, at \$150.08 per month, to take effect January 19, 1923; Carl Monniche, draftsman, at \$150.08 per month, to take effect January 22, 1923; Ira B. Thomson, draftsman, at \$150.08 per month, to take effect January 15, 1923.

Resignations—Louis Demato, janitor, at \$6.50 per month, to take effect December 31, 1922; Miriam V. B. Vedder, stenographer, at \$125.00 per month, to take effect August 3, 1922.

Termination of Appointment under Rule VIII:4—James Bousfield, draftsman, at \$150.08 per month, to take effect January 18, 1923; Carl Monniche, draftsman, at \$150.08 per month, to take effect January 21, 1923; Ira B. Thomson, draftsman, at \$150.08 per month, to take effect January 14, 1923.

Declination of Appointment—Louis Hochman, junior assistant, at \$125.08 per month, to take effect January 2, 1923; Joseph R. Morelos, junior assistant, at \$125.08 per month, to take effect January 2, 1923.

Promotion—John W. James, porter, from \$128.08 per month, to \$150.00 per month, to take effect January 16, 1923.

Leave of Absence with Pay—George Donnelly, transit inspector, from December 28, 1922, to December 30, 1922; Gussie Siebel, clerk, from February 6, 1923, to May 5, 1923.

44

Voucher Schedule No. 2

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

[January 11, 15, 1923]

Vouchers Nos. 14-52, open market orders, \$2,348.44; Vouchers Nos. 10-19, miscellaneous bills, \$1,738.34; Voucher No. 1, special payroll, \$2,500.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 6; B. T. & J. J. Mack, approximate estimate No. 7 for the installation of tracks in the Livonia Avenue Yard (Route No. 31) from December 1, 1922, to December 31, 1922 (R.T. 7497) \$5,856.21;

Voucher No. 7; Wagner Engineering Co., Inc., approximate estimate No. 1 for the construction of direction signs at stations of the rapid transit railroads, from August 4, 1922, to January 5, 1923 (R.T. 7482), \$903.24;

Voucher No. 8; T. H. Reynolds Contracting Co., Inc., approximate estimate No. 1 for installation of tracks in Section Nos. 1 to 5, Route No. 8, from November 8, 1922, to December 31, 1922 (R.T. 7536), \$22,700.70;

Voucher No. 9; Holbrook, Cabot & Rollins Corporation, approximate estimate No. 7 for the construction of a new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, from December 1, 1922, to December 31, 1922 (R.T. 6114), \$16,834.42.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, January 11, 1923

45

Hearing

The following hearing was held:

10:30 A. M.; Case No. 1756; crossing at Pennsylvania Avenue, Rosebank, S. I.; Case No. 1797; Crossings at Clifton Avenue and Maryland Avenue, Rosebank, S. I.; final accounting. Carleton S. Cooke, Assistant Counsel, presided. Adjourned to January 18, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, January 15, 1923

Present: John F. O'Ryan, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

46—R. T. 7587

Agreement "CA"—Receipt of Bids for Construction of Transformer Closets for Emergency Lighting—Referred to Chief Engineer

Commissioner O'Ryan stated that the time within which to receive bids for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Borough of Manhattan, Agreement "CA", had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids. The Secretary presented the proper affidavits of publication and opened the box and read the five bids received. The bids were then referred to the Chief Engineer.

Hearing

The following hearing was held:

10:45 A. M.; Case No. 2665; Long Island Railroad Company; application to close and discontinue crossing on Montauk Division at Old Flushing Avenue. Lincoln C. Andrews, Chief Executive Officer, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, January 16, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

The Minutes of the Proceedings for the month of October, 1922, were approved.

49—R. T. 7587

Agreement "CA"—Resolution Authorizing Release of Checks to all but Lowest and Next to Lowest of Bidders for Construction of Transformer Closets for Emergency Lighting

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on January 15, 1923 for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Borough of Manhattan, Agreement "CA," the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of Five hundred (\$500.) dollars deposited with their bids.

50—R. T. 7551

Agreement "CB"—Application by Charles J. Adams & Sons, Inc., for Return of Certified Check Deposited with Bid for Construction of New Entrance at Mott Avenue and 138th Street—Application Granted

An application dated January 10, 1923, from Charles J. Adams & Sons, Inc., second lowest bidder, requesting the return of the certified check in the sum of \$300 deposited with the bid of the company on November 24, 1922, for the construction of a new entrance at Mott Avenue and 138th Street of the Lexington Avenue Line, was granted.

51—R. T. 7524

Agreement "BQ"—Report by Chief Engineer Recommending Extension of Time to January 2, 1923, Within Which to Complete Contract for Altering and Reconstructing Emergency Exits and Stopping Leaks in Shafts of Route No. 61—Approval Resolution

A report by the Chief Engineer dated January 12, 1923, recommending that an extension of time be granted to Hamme & Jackson, Inc., to and including January

2, 1923, within which to complete work under the contract for altering and reconstructing emergency exits and stopping leaks in the Manhattan and Blackwells Island shafts of Route No. 61, was presented.

The following resolution was adopted:

Whereas, The contract dated March 15, 1922, between The City of New York, acting by the Transit Commission, and Hamme & Jackson, Inc., for altering and reconstructing emergency exits and stopping leaks in the Manhattan and Blackwells Island shafts of the Broadway-Fourth Avenue Rapid Transit Railroad (Route No. 61), Borough of Manhattan (Agreement "BQ"), requires the completion of all work within six (6) months from the date of the delivery thereof, except as otherwise provided in Subdivision 9 of the Specifications with respect to pressure grouting and caulking which permits the performance of work thereunder (in order to insure dry shafts) at such time or times during the life of the contract as the Engineer may direct and should weather conditions require such work to be deferred the time under said contract may, at the option of the Commission be extended a further period; and

Whereas, The Chief Engineer of this Commission, by communication dated January 12, 1923, has reported that said contract was delivered on March 16, 1922; that all work, except as provided in said Subdivision 9, was completed within six (6) months or on or before September 16, 1922; that all the work under said contract was completed on or before January 2, 1923; that the time required beyond the expiration of said period of six months was in all respects attributable to the work of caulking and grouting; that the actual delay amounts to twelve (12) working days; that the City has suffered no loss due to such delay and recommends that the time of said contractor within which to complete the work under said contract be extended to and including January 2, 1923,

Resolved, That the said report and recommendation be and the same hereby is approved; that the time of Hamme & Jackson, Inc., within which to complete the work under the contract aforesaid be and the same hereby is extended to and including January 2, 1923.

52—R. T. 7524

Agreement "BQ"—Certificate by Chief Engineer of Completion of Contract for Altering and Reconstructing Emergency Exits and Stopping Leaks in Shafts of Route No. 61—Approval Resolution

The following certificate was approved:

January 13, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Agreement "BQ": Altering and Reconstructing Emergency Exits and Stopping Leaks in Manhattan and Blackwells Island Shafts, Route 61.

In connection with the contract dated March 15, 1922, between the City of New York and Hamme & Jackson, Inc., for altering and reconstructing emergency exits and stopping leaks in Manhattan and Blackwells Island Shafts, Route No. 61, I hereby certify that all work was completed on January 2, 1923. The total cost of the work was \$19,822.03.

In accordance with the provisions of the contract all work should have been completed on September 16, 1922. The time for completion, however, was extended to January 2, 1923, by resolution of the Transit Commission adopted on January 16, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The contract dated March 15, 1922, between The City of New York acting by the Transit Commission, and Hamme & Jackson, Inc., for altering and reconstructing emergency exits and stopping leaks in the Manhattan and Blackwells

Island Shafts of the Broadway-Fourth Avenue Rapid Transit Railroad (Route No. 61), Borough of Manhattan (Agreement "BQ"), requires the completion of all work on or before the expiration of six (6) months from the date of the delivery thereof, except with respect to grouting and calking as provided in Subdivision 9 of the Specifications of said contract, the last date for all completion being December 16, 1922, which time was extended to and including January 2, 1923, by resolution of the Transit Commission adopted January 16, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated January 13, 1923, has reported that all the work under said contract was in all respects completed on or before January 2, 1923; that the total amount due therefor was \$19,822.03, and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

Resolved, That the said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

53—R. T. 7367, 6961

Routes Nos. 35 & 67—Report by Chief Engineer Recommending Regulations for Restricting Traffic Over Subway Decking on West 41st Street Between Seventh Avenue and Eighth Avenue—Approval Resolution

A report by the Chief Engineer dated January 8, 1923, recommending that traffic signs be placed on West 41st Street between Seventh and Eighth Avenues restricting traffic over the subway decking in connection with the contract for the Queensboro Tunnel Extension, Routes Nos. 35 & 67, was presented.

The following resolution was adopted:

Resolved, That all traffic over the subway decking on West 41st Street, Manhattan, between Seventh Avenue and Eighth Avenue be restricted to 8 miles per hour.

That vehicles with or without loads weighing over 10 tons, be prohibited on such decking.

That there be excepted herefrom the vehicles of subway contractors over the decking on their own work.

That the Commissioner of Police be requested to have the above regulations observed.

54—R. T. 7007

Contract No. 3—Report by Engineer of Equipment and Operation and Chief Engineer Advising of Different Selection by Interborough Rapid Transit Company of Cars Upon Which Door Control is to Be Installed and Recommending That Resolution of December 19, 1922, Be Amended—Amending Resolution

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 8, 1923, as described below, was presented and the following resolution was adopted:

Whereas, By resolution adopted December 19, 1922, this Commission approved the application of Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913, known as Contract No. 3, for the installation of a multiple door control of 396 additional subway high voltage cars, such work to be performed as an Addition pursuant to the provisions of Articles LXX and LXXI of said Contract No. 3 and assigned thereto Work Order No. 1CqA-1, said resolution specifically indicating the cause upon which said device would, pursuant to said approval, be installed; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have by communication dated January 8, 1923, reported with respect to the said resolution, as follows:

"The Commission under date of December 19, 1922, approved the installation of multiple door control on 396 high voltage control cars forming part of Equipment under Contracts No. 1 and No. 2. Under date of December 11, 1922, I have been advised that the company has made a different selection of cars upon which this door control is to be installed. Accordingly, I suggest that the approval resolution adopted on December 19, 1922, be changed by substituting in place of cars Nos. 4383-7, inclusive, mentioned in the resolution, cars Nos. 4224, 4269, 4312, 4333, 4353."

Resolved, That the said report and suggestion be and the same hereby is approved and that the resolution of December 19, 1922, aforesaid, be and the same hereby is amended by striking therefrom the following figures and signs: "4383-4514" and substituting in place thereof the following: 4224, 4269, 4312, 4333, 4353, 4388-4514.

Further Resolved, That said resolution, except as herein specifically modified, shall remain in all respects as adopted on December 19, 1922.

55—R. T. 7630

Contracts Nos. 1 & 3—Report by Engineer of Equipment and Operation and Chief Engineer Recommending That Interborough Rapid Transit Company be Authorized to Purchase and Install 450 Emergency Exit Signs—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Classifying Work and Assigning Work Orders Nos. IBA-10 and ICqA-5—Approval Resolution

A report by the Engineer of Equipment and Operation and Chief Engineer dated January 8, 1923, recommending that the Interborough Rapid Transit Company be authorized to purchase and install on Contract No. 1 and Contract No. 3 lines 450 emergency exit signs at an approximate cost of \$800, was presented.

A report by the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated January 15, 1923, classifying the work and assigning work order numbers, as described below, was also presented.

The following resolution was adopted:

Whereas, Pursuant to the Provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has, by communication dated November 16, 1922, from George H. Pegram, its Chief Engineer, submitted for the approval of this Commission its proposal to install signs indicating the location of emergency exits in the Railroad and the Existing Railroads as defined in said Contract No. 3; and

Whereas, By communication dated January 8, 1923 the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the installation of such signs is justifiable because they give confidence to persons walking in the tunnels in case of accident; that additional signs installed will number approximately 350 and new signs approximately 100; that the approximate cost is \$800 which is reasonable, and recommend that the said proposal be approved; and

Whereas, By communication dated January 15, 1923 the Auditor of Rapid Transit Costs and the Assistant Chief Accountant have reported with respect to such proposal and have recommended that

- "(1) the installation of signs on Contract No. 3 Lines be classified as Additional Equipment of the Railroad and that Work Order Number IBA-10 be assigned thereto.
- "(2) the installation of signs on Contract No. 1 Lines be classified as Additions to Existing Equipment and that Work Order Number ICqA-5 be assigned thereto."

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposal so submitted be and the same hereby is approved upon condition that

- (a) the installation of such signs on the Railroad, as defined in Contract No. 3 shall be classified as Additional Equipment of the Railroad and as to which this Commission assigns Work Order No. IBA-10.
- (b) the installation of such signs on the Existing Railroads as defined in said Contract No. 1 shall be classified as Additions to Existing Equipment and as to which this Commission assigns Work Order No. ICqA-5.

56—R. T. 7590

Contract No. 3—Communication from Board of Estimate and Apportionment Advising of Action Taken on Request for Reconsideration of Proposed Contract for Furnishing and Erecting Steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Resolution Directing Bids Be Re-advertised

The following communication from the Board of Estimate and Apportionment was presented:

(Cal. No. 214)

January 5, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sirs:

At the meeting of the Board of Estimate and Apportionment on January 5, 1923, your communication dated December 29, 1922 requesting reconsideration of the action taken by the Board on December 22, 1922, referring back to the Transit Commission for readvertising, the proposed contract with the Bethlehem Steel Bridge Corporation for furnishing and erecting steel for Third Addition to Shops, Lenox Avenue and 148th Street Yard, Borough of Manhattan, was presented and placed on file.

Respectfully,

JAMES MATTHEWS,
Assistant Secretary.

The following resolution was adopted:

Whereas, By resolution adopted on October 24, 1922, this Commission awarded the proposed contract for furnishing and erecting steel for Third Addition to Shops, Lenox Avenue and 148th Street Yard (Contract No. 3) to Bethlehem Steel Bridge Corporation subject to its being consented to in form and substance as required by law and transmitted said proposed contract to the Board of Estimate and Apportionment for its consent and the appropriation of the money necessary to meet the obligations of the City under said proposed contract; and

Whereas, By communication dated December 22, 1922 the Assistant Secretary of the Board of Estimate and Apportionment informed the Commission that the Board had referred back to this Commission the proposed contract to be advertised "for the reason that litigation is now pending between the Bethlehem Steel Company and The City of New York and as a matter of policy no contract of substantial character should be awarded to said company until disposition is made of the question in controversy; and

Whereas, This Commission by communication dated December 9, 1922 resubmitted said proposed contract to the Board of Estimate and Apportionment for its further consideration, together with detailed information as more particularly set forth therein; and

Whereas, The said Board of Estimate and Apportionment by communication dated January 5, 1923 has informed this Commission that the said communication of December 29, 1922 aforesaid, had been filed by it; and

Whereas, This Commission is of the opinion that the said Third Addition to Shops should be expeditiously constructed and completed,

Resolved, That all the bids received by this Commission for the performance of the work under said proposed contract aforesaid on October 20, 1922, be and the same hereby are in all respects rejected and that the Secretary of this Commission be and hereby is authorized to return the checks received with said bids and to take proper receipt therefor.

Further Resolved, That the Invitation to Contractors of the said proposed contract as heretofore approved by this Commission by resolution adopted on October 3, 1922 be published in the City Record every day of publication from and including January 18, 1923 to and including February 1, 1923 and on January 22, 1923 and January 29, 1923 in the Journal of Commerce and The Evening World, daily newspapers published in the City of New York and such bids as shall be received shall on the first day of February, 1923 at eleven-thirty (11:30) o'clock a.m. or at a later date to be fixed by the Transit Commission be opened by the Secretary of the Transit Commission at the office of the Transit Commission and read.

57—R. T. 6080

Fourth Avenue Subway—Report by Real Estate Clerk Recommending Substitution of Trade Name of Orpheum Auto Park in Place of Budoff Bros. and Carlos Garcia as Tenant of Property on Southerly Side of Fulton Street Between Rockwell Place and Ashland Place, Borough of Brooklyn—Approved

The following report by the Real Estate Clerk dated January 15, 1923, was approved:

"Budoff Brothers & Carlos Garcia, a partnership, having a concession from this Commission for the parking of automobiles on the southerly side of Fulton street between Rockwell Place and Ashland Place, Borough of Brooklyn, at my request, has made application under date of January 11, 1923, for permission to change its name as tenant from Budoff Brothers & Carlos Garcia, a partnership, to Orpheum Auto Park, it having filed a trade certificate in the County Clerk's Office in Kings County. I, therefore, respectfully

Recommended that the Commission approve a substitution of the trade name Orpheum Auto Park in place of Budoff Brothers & Carlos Garcia, a partnership, as tenant of this Commission on this concession at the above location."

58—R. T. 6080

Route No. 39, Section No. 2—Report by Real Estate Clerk Recommending Substitution of William Pedersen as Tenant in Place of Theodore Reitemeyer on Property on Southerly Side of 85th Street East of 18th Avenue, Borough of Brooklyn—Approved

The following report by the Real Estate Clerk dated January 15, 1923, was approved:

"By application dated November 4, 1922, approved by the Commission November 8, 1922, Theodore Reitemeyer secured permission to place a lunch wagon on a plot on the southerly side of 85th Street east of 18th Avenue, in the Borough of Brooklyn, at a graduated rental beginning at \$35.00 per month on December 1, 1922. On December 12, 1922, the Commission authorized the relocation of this lunch wagon on the northerly side of 86th Street east of 18th Avenue, Borough of Brooklyn, the said relocation being made to do away with the cause of complaint from local residents and other various reasons. After getting this concession Mr. Reitemeyer was unable to finance the reconstruction of the lunch wagon to make it look presentable and accordingly he requests that Mr. William Pederson, who is advancing money to take care of the necessary alterations to the lunch wagon, be made the direct tenant of the Commission, although he himself will still be interested in the enterprise. I know of no reason why this substitution should not be made and I, therefore, respectfully

Recommend that William Pedersen be substituted as tenant in place of Theodore Reitemeyer on the concession above referred to effective as of February 1, 1923."

59—R. T. 7316

Rapid Transit Railroads—Resolution Authorizing Auditor to Turn Over Commissions to Auctioneer in Connection with Sale of Surplus Properties—Adopted

The following resolution was adopted:

Whereas, By Article Fourth of a contract between The City of New York, acting by the Transit Commission, and Nathaniel Shuter, Auctioneer, dated December 15, 1922, it is provided that the Auditor or other duly authorized financial agent of the Commission be authorized to turn over to the Auctioneer the commissions received by him as soon as he is satisfied that the amounts thereof are correct and shall also be empowered by the Commission to endorse checks drawn to its order and presented in payment for the costs of the sale, including the Auctioneer's commissions, which said sale is to be held on January 16, 1923;

Resolved, That the Commission do, and it hereby does, authorize its Auditor to turn over to the said Nathaniel Shuter, Auctioneer, all amounts received by him as auctioneer's commissions as soon as he shall be satisfied that the amounts thereof are correct, and that the said Auditor be, and he hereby is, authorized if necessary to endorse on behalf of the Commission any checks drawn to the order of the Commission in payment of said commissions, to effectuate the prompt payment to the said Nathaniel Shuter, Auctioneer, of the commissions due him.

60—Cases 1936, 1936-A

The Long Island Railroad Company—Far Rockaway Grade Crossing Elimination—Report and Opinion by Chief Executive Officer Approved—Order Abrogating Final Order and Determination Adopted

The Secretary presented a report and opinion dated January 9, 1923, by Lincoln C. Andrews, Chief Executive Officer, designated to conduct the hearing herein, recommending the abrogation of the final order and determination herein adopted by the Public Service Commission for the First District on January 31, 1916.

The Commission adopted and ordered filed an Order in Cases Nos. 1936 and 1936-A, abrogating for the reasons in said opinion stated the said final order and determination herein, dated January 31, 1916.

The said Order was in the following form:

At a meeting of the Transit Commission held at its office, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 16th day of January, 1923.

Present:

GEORGE McANENY,	}	COMMISSIONERS.
Chairman		
LE ROY T. HARKNESS,		
JOHN F. O'RYAN,		

IN THE MATTER
of the

Hearing on motion of the Commission on the question of alterations and changes in the following grade crossings of the tracks of the Far Rockaway Branch of THE LONG ISLAND RAILROAD COMPANY.

Atlantic Avenue	Hollywood Avenue
Park Avenue	Sea View Avenue
Smith Street	Mott Avenue
Cornega Avenue	Carlton Avenue
Clark Street	McNeil Avenue

in the Borough of Queens, City of New York.

CASE No. 1936

ORDER ABROGATING
FINAL ORDER AND
DETERMINATION, DATED
JANUARY 31, 1916.

IN THE MATTER
of the

Hearing on motion of the Commission on the question of alterations and changes in the following grade crossings of the tracks of the Far Rockaway Branch of THE LONG ISLAND RAILROAD COMPANY.

Atlantic Avenue	Hollywood Avenue
Park Avenue	Sea View Avenue
Smith Street	Mott Avenue
Cornega Avenue	Carlton Avenue
Clark Street	McNeil Avenue

in the Borough of Queens, City of New York.

CASE No. 1936-A.

The Public Service Commission for the First District having by final order and determination adopted on the 31st day of January, 1916, determined the manner in which the Far Rockaway Branch of The Long Island Railroad Company should be carried across the above named streets, avenues and highways in Far Rockaway, in the Borough of Queens, City of New York, and having by said Order determined that The Long Island Railroad Company should depress its tracks for certain specified distances through Far Rockaway, in the Borough of Queens, and that changes should be made in the grade and elevation of certain streets, avenues and highways and no construction work having been begun pursuant to the terms of said Order because of the period of Federal War Control and the difficulty encountered by the engineers of the railroad company, and this Commission in preparing plans for the carrying out of the said Final Order and Determination, dated January 31, 1916, and it appearing that some of the engineering features involved in the carrying out of the said Final Order and Determination, dated January 31, 1916, are unsolved and require further study and investigation, and this Commission having by Order, dated November 28, 1922, directed that a hearing be held herein and designated the Chief Executive Officer of the Commission to conduct said hearing, take the testimony and report the same to the Commission together with his opinion thereon for its decision and determination, and said hearing having been duly held and the Chief Executive Officer having made his report and opinion, dated January 9, 1923, wherein he finds and rec-

ommends that the final order and determination, dated January 31, 1916, be abrogated without prejudice to any of the proceedings heretofore had herein or to such action, proceedings, decision or other in the premises as the Commission may hereafter direct or make, and the said report and opinion having been approved by the Commission;

Ordered, That the final order and determination of the Public Service Commission for the First District, dated January 31, 1916, be and the same hereby is in all respects abrogated without prejudice to any of the proceedings heretofore had herein or to such action, proceedings, decision or order in the premises as the Commission may hereafter direct or make.

By THE COMMISSION,
JAMES B. WALKER,
Secretary.

61—Case 2652

**The Long Island Railroad Company—Jamaica Grade Crossing Eliminations—
Report and Opinion by Chief Executive Officer Approved—Final Order and
Determination Adopted**

The Secretary presented a report and opinion dated January 10, 1923, by Lincoln C. Andrews, Chief Executive Officer, duly designated to conduct the hearing herein recommending that the Commission determine that public safety requires elimination of certain grade crossings between Jamaica and the City Line and recommending that The Long Island Railroad Company be required to eliminate same by elevating its tracks as in said report indicated.

The Commission adopted and ordered filed a final order and determination in Case No. 2652, directing The Long Island Railroad Company to eliminate grade crossings on its right of way between Jamaica and the City Line by elevating its tracks as recommended in said report and opinion.

The said order was in the following form:

At a meeting of the Transit Commission held at its office, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 16th day of January, 1923.

Present:

GEORGE McANENY,
Chairman,
LE ROY T. HARKNESS,
JOHN F. O'RYAN, } COMMISSIONERS.

IN THE MATTER
of the

Hearing on motion of the Commission pursuant to Section 95 of the Railroad Law, upon the question of requiring The Long Island Railroad Company to eliminate grade crossings between Jamaica and the City Line at the intersection of its main line with the following streets or highways in the Borough of Queens: New York Avenue, Puntine Street, Smith Street, Canal Street, Brenton Avenue, and at the intersection of its Montauk Division with South Street; and the alteration of existing crossings not at grade at the intersection of its main line with Prospect Street, Washington Street and Union Hall Street.

CASE No. 2652

FINAL ORDER AND
DETERMINATION

The Commission having on the 28th day of November, 1922, adopted an Order herein directing a hearing pursuant to Section 95 of the Railroad Law on the 27th day

of December, 1922 at 10:30 A. M. upon the question of requiring The Long Island Railroad Company to eliminate grade crossings at the intersection of its main line with the following streets, avenues and highways between Jamaica and the City Line, in the Borough of Queens: New York Avenue, Puntine Street, Smith Street, Canal Street, Brenton Avenue, and at the intersection of its Montauk Division with South Street, and requiring the alteration of the structure of existing crossings over its main line not at grade at its intersection with the following streets, avenues and highways in the Borough of Queens: Prospect Street, Washington Street and Union Hall Street, and said Order having designated and certified Lincoln C. Andrews, Chief Executive Officer of the Commission, to conduct the hearing, to take the testimony and report the same to the Commission together with his opinion thereon for its decision and determination, and said hearings having been duly held and the Chief Executive Officer having made his report and opinion, dated January 10, 1923, wherein he finds and recommends that The Long Island Railroad Company should eliminate the crossings at grade at the intersection of its lines of railroad with the streets, avenues and highways above mentioned by carrying the railroad above all the streets in question upon an elevated structure to be constructed by the said railroad company substantially as shown on a plan or blueprint marked in evidence at the hearing in this proceeding on December 27, 1922, as Company's Exhibit No. 7, and that the said railroad company as a necessary feature for the construction should provide for the alteration of the existing structures above grade at the intersection of its line of railroad with the streets, avenues and highways above mentioned, and said report and opinion having been approved by the Commission and the Commission being of opinion pursuant to Section 95 of the Railroad Law that public safety requires an alteration in the existing grade crossings at the intersection of the lines of railroad of The Long Island Railroad Company with the streets, avenues and highways above mentioned and changes in the existing structure and grade across the streets, avenues and highways above mentioned.

Ordered, That The Long Island Railroad Company be and it is hereby directed to alter and eliminate the existing grade crossings at the intersection of its lines of railroad with the streets, avenues and highways above mentioned by carrying the railroad across said streets upon an elevated structure to be constructed by the said railroad company substantially as shown on a plan or blueprint marked in evidence at the hearing in this proceeding on December 27, 1922, as Company's Exhibit No. 7.

Further Ordered, That as a necessary feature of this construction the said railroad company shall provide for the alteration of the existing crossings above grade at the intersection of its line of railroad with the streets, avenues and highways above mentioned.

Further Ordered, That the said railroad company shall forthwith prepare and submit to the Commission for its approval detailed plans and specifications in accordance with the said plan or blueprint marked in evidence at the hearing in this proceeding on December 27, 1922, as Company's Exhibit No. 7, and that upon the approval of the same by the Commission, the said railroad company shall proceed with all due diligence to carry out the provisions of this Order.

Further Ordered, That so much of the cost of the work in carrying out the provisions of this Order as may be or is attributable to the elimination of the crossings at grade shall be borne by the said railroad company, the State of New York, and The City of New York, as provided by Section 94 Sub-division 3 of the Railroad Law.

Further Ordered, That within ten (10) days after the service upon it of a certified copy of this Order, The Long Island Railroad Company shall notify the Commission in writing whether the terms hereof are accepted and will be obeyed.

BY THE COMMISSION,

JAMES B. WALKER,
Secretary.

62—Case 2668

The Brooklyn City Railroad Company—Application for Declaration of Abandonment—Hearing Order Adopted

The Secretary presented a communication from The Brooklyn City Railroad Company, dated January 13, 1923, requesting the approval of the Commission to a

declaration of abandonment, dated November 8, 1922, of a portion of its route along Furman Street between Fulton Street and Atlantic Avenue.

The Commission adopted and ordered filed an order in Case No. 2668, directing that a hearing be held on said application before George L. Lucas, Assistant to the Chief Executive Officer therein duly designated to conduct the same on January 25, 1923 at 10:30 A. M.

63—S. P. 741, 742, 743

New York Railways Company, Receiver—Discontinuance of Service—Approved

A report, dated January 13, 1923, by the Secretary, and approved by the Chief Executive Officer, recommending that special permission be granted the Receiver of the New York Railways Company to file on one day's notice tariff sheets indicating (1) discontinuance of service on the Sixth Avenue Line, south of Fourth Street, between 10 P. M. and 7 A. M., daily; (2) discontinuance of service on 11th Avenue branch of the 34th Street Line, between 7 P. M. and 12 midnight weekdays and for the entire day on Sundays; (3) discontinuance of service on the 34th Street branch of the 23d Street Line.

The Commission approved and ordered filed Special Permissions Nos. 741, 742 and 743, as recommended by the Secretary and the Chief Executive Officer.

64—Case 2628

The New York Consolidated Railroad Company—Service and Equipment—Report Approved and Filed

The Secretary presented a report by the Chief Executive Officer, dated January 12, 1923, recommending that he be authorized to amend the existing schedules by dropping therefrom two trains leaving Atlantic Avenue west bound at 7:29 and 7:35 P. M., and operating east bound past Marcy Avenue at 8:10 and 8:16 P. M., respectively.

The Commission approved and ordered filed the report and recommendation.

65—Case 2253

The New York Central Railroad Company et al.—238th Street Bridge—Report Filed

The Secretary presented a report by Assistant Counsel Carleton S. Cooke, dated January 13, 1923, advising the Commission that the court had granted a stay of the mandamus order herein pending an appeal therefrom by the railroad companies.

The Commission ordered the report filed.

66—R. T. 6626

Eighth Avenue and 162nd Street Connection—Notice by Chief Engineer of Commencement of Work for Additional Entrance to Anderson-Jerome Avenue Station—Filed

A notice by the Chief Engineer dated January 12, 1923, advising of the commencement of work by the Interborough Rapid Transit Company on January 2,

1923, for the construction of an additional entrance to the Anderson-Jerome Avenue Station of the Eighth Avenue and 162nd Street Connection, was ordered filed.

67—R. T. 7596

Agreement "CF"—Notice by Chief Engineer of Commencement of Work for Distributing and Installing Covers, Frames and Panels for Low Duct Bench Manholes—Filed

A notice by the Chief Engineer dated January 12, 1923, advising of the commencement of work by the New York Consolidated Railroad Company on January 3, 1923, for distributing and installing covers, frames and asbestos lumber panels for low duct bench manholes, Agreement "CF", was ordered filed.

68—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Transmitting List of Sub-Contracts Approved During Month of December, 1922—Filed

The following report by the Chief Engineer was ordered filed:

January 15, 1923.

TO TRANSIT COMMISSION.

I submit, as follows, a list of sub-contracts, approved by this Department during the month of December.

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
18	239th St. Yard Installation of tracks (including furnishing part of track materials and construction of drainage system and concrete inspection pits).	Michael Del Balso	Slattery Engineering & Construction Co., Inc.	12/ 5/22	Installation of tracks. "Atlas" or "Dragon" Portland cement T. C. Inspected. Cast-iron pipe, T. C. Inspected. Sand & gravel, T.C. Inspected. 1-1/2" to 3" broken limestone T. C. Inspected. Supplying material for electrical work.
			Noonan Building Material Co.	12/ 5/22	
			American Cast-Iron Pipe Co.	12/19/22	
			Fred Schneider	12/19/22	
26	Jackson Ave. Station Reconstruction.	Joslin Construction Co.	John J. Leahy, Inc.	12/16/22	Gravel, T. C. Inspected. Sand, T. C. Inspected.
33 Sec. 3	Completion of Lawrence St. Station.	Frederick L. Cranford, Inc.	Goodwin-Gallagher Sand & Gravel Corp.	12/ 6/22	Sand, T. C. Inspected.
35 & 67	.....	Powers-Kennedy Cont. Corp.	McVeigh & McCrodden	12/28/22

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
Agreement "AZ" — Entrance to Borough Hall Station through Isle of Safety.		Chas. J. Adams & Sons, Inc.	Manell & Gallo	12/ 4/22	Granite curbing.
Agreement "BZ" — Changes in steel work at Easterly Approach to Queensboro Plaza Station.		Jobson Co.	Gifford American Bridge Co.	12/ 9/22	Structural steel
Additional Approach Track to Lenox Ave. and 148th Street Yard.		Slattery Engineering & Construction Co.	Ames Bldg. Material Co.	12/ 4/22	"Atlas" Portland Cement. T. C. Inspected.
			Colonial Sand & Stone Co.	12/ 4/22	Sand & Gravel T.C. Inspected.
			Hydrex Asphalt Products Co.	12/ 4/22	Asphalt and asphalt-saturated burlap, T.C. Inspected.
			American Bridge Co.	12/ 4/22	Steel. T. C. Inspected.
Additional Approach Track to Lenox Ave. and 148th Street Yard.		Slattery Engineering and Construction Co.	Concrete Steel Co.	12/ 4/22	Reinforcing Rods. T. C. Inspected.
Second Addition to Shops 148th st. and Lenox Ave. Yard.		Jacob Schlesinger, Inc.	Rhineland Roofing Co.	12/20/22	Water-proofing.
Contract No. 1, 168th St. Station.		Holbrook, Cahot, & Rollins Corp.	Stanley & Patterson.	12/ 7/22	Electrical conduit, pull boxes and outlet boxes.

ROBERT RIDGWAY,
Chief Engineer.

69—R. T. 6315

Contract No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Issue of \$1500 Tax Notes for Relocating Subway Structures in Connection With Widening of 33rd Street—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 5, 1923, was ordered filed:

(Cal. No. 232-B)

Resolved, By the Board of Estimate and Apportionment, that, pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding fifteen hundred dollars (\$1,500), which shall be included in annual tax levies, in the

manner provided by said section 189 of the Charter, the proceeds of which to the amount of the par value thereof to be used, in addition to the amount heretofore authorized, for the necessary relocating of any subway structures in connection with the widening of the roadway of 33d street, under the jurisdiction of the President, Borough of Manhattan, and to be credited to the fund "NTTC-1, Relocation of Subway Structures in Connection with the Widening of the Roadway of 33d Street," the work to be performed by the operating company under the direction of the Transit Commission; without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 5, 1923.

JAMES MATTHEWS,
Assistant Secretary.

70

Expenses—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Issue of \$200,000 Special Revenue Bonds for Expenses of Commission for Part of Year 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 5, 1923, was ordered filed:

(Cal. No. 270)

Resolved, That the Board of Estimate and Apportionment, in accordance with the requisition of the Transit Commission dated December 7, 1922, and pursuant to the provisions of chapter 134 of the Laws of 1921, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby authorizes an appropriation in the sum of two hundred thousand dollars (\$200,000), to properly enable the Transit Commission to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by the said law; and the Comptroller is hereby authorized, pursuant to law and the said requisition of the Transit Commission, to issue special revenue bonds of The City of New York to an amount not exceeding two hundred thousand dollars (\$200,000), redeemable from the tax levy of the year next succeeding the year of their issue, the proceeds to be used for the purpose aforesaid.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 5, 1923.

JAMES MATTHEWS,
Assistant Secretary.

71

Telephone Service—Proposed Contracts With New York Telephone Company for Telephone Service in Boroughs of Brooklyn and Queens for Year 1923—Approval Resolution

The following resolution was adopted:

Whereas, Contracts heretofore entered into with New York Telephone Company for telephone service in the offices of this Commission in the Boroughs of Brooklyn and Queens, City of New York, expired by limitation on December 31, 1922; and

Whereas, This Commission deems it necessary to enter into new contracts providing for telephone service as hereinafter indicated,

Resolved, That the applications for telephone service and the contracts made part thereof between New York Telephone Company and The City of New York, acting by the Transit Commission, for the following telephone service in the Boroughs of Brooklyn and Queens for the year beginning January 1, 1923 be and the same hereby are approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute said applications and forms of contract for and on behalf of this Commission:

Call Number	Location	Annual Rate
Decatur 9858	218 Utica Ave.....	\$72.00
Glenmore 0148	New Lots Ave.....	84.00
Hunters Point 7150	62 Jackson Ave.....	96.00
Main 1645	35 York Street.....	60.00
Main 4681	35 York Street.....	66.00
Main 9532	35 York Street.....	40.00
Stagg 1704	466 Grand Street.....	40.00
Stagg 1705	466 Grand Street.....	40.00
Sterling 3658	635 Fulton Street.....	84.00
Sterling 8738-9	88 Willoughby Street.....	171.00

72

Employees' Resolution No. 123

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—William F. Lynaugh, mechanical engineer, at \$150.08 per month, to take effect January 15, 1923.

Appointments under Rule VIII: 4—Louis S. Amreich, junior assistant, at \$125.08 per month, to take effect January 10, 1923; Walter F. Cudlipp, draftsman, at \$150.08 per month, to take effect January 15, 1923; Harold H. David, junior assistant, at \$125.08 per month, to take effect January 8, 1923; Selig Kunofsky, draftsman, at \$150.08 per month, to take effect January 2, 1923; Augustus Miller, junior assistant, at \$125.08 per month, to take effect January 15, 1923; Lazarus Trommer, draftsman, at \$150.08 per month, to take effect January 15, 1923; Henry I. Tuthill, junior assistant, at \$125.08 per month, to take effect January 15, 1923.

Resignations—Frederick R. Kempf, junior assistant, at \$125.08 per month, to take effect January 3, 1923; E. J. Tassos, junior assistant, at \$125.08 per month, to take effect January 8, 1923; H. V. Wolfe, draftsman, at \$150.08 per month, to take effect January 15, 1923.

Rescission of Appointment—Selig Kunofsky, at \$150.08 per month, to take effect January 2, 1923.

Transferred from State Commission of Highways—Aaron Kahn, junior assistant, at \$125.08 per month, to take effect January 15, 1923.

73

Voucher Schedule No. 3

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct:

Vouchers Nos. 53-82, open market orders, \$1,621.89; Vouchers Nos. 20-43, miscellaneous bills, \$74,917.13; Vouchers Nos. 1-18, City payrolls, \$172,044.31; Vouchers Nos. 1-2, State payrolls, \$5,083.32.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 3, Charles J. Adams & Son, Inc.; approximate estimate No. 6 for the construction of an entrance of Borough Hall station through Isle of Safety, Agreement "AZ" from December 1, 1922, to December 31, 1922 (R. T. 7466), \$1,518.53;

- Voucher No. 4, Slattery Engineering & Construction Co., Inc.; approximate estimate No. 2 for the construction of additional approach track to the Lenox Avenue and 148th Street Yard, under Contract No. 3, from December 1, 1922, to December 31, 1922 (R. T. 7366), \$13,553.25;
- Voucher No. 5, Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 5 for the construction of inspection shed enclosure for Route No. 18, 180th Street Yard, from December 1, 1922, to December 31, 1922 (R. T. 7457), \$21,696.93;
- Voucher No. 10, P. J. Healy; approximate estimate No. 1 for making land and river borings along the proposed extension of the Corona Branch of the Queensboro Rapid Transit Railroad from its present terminus to Main Street, Flushing, from October 27, 1922, to December 31, 1922 (R. T. 5006), \$1,667.59;
- Voucher No. 11, Bethlehem Steel Products Company; approximate estimate No. 34 for the supply of open hearth rails, Order No. 3, from May 26, 1921, to December 31, 1922 (R. T. 6981), \$54,048.83;
- Voucher No. 12, Powers-Kennedy Contracting Corporation; approximate estimate No. 7 for the construction of a part of the Queensboro Subway, Routes Nos. 35 and 67, from December 1, 1922, to December 31, 1922 (R. T. 7584), \$46,805.07;
- Voucher No. 13, Joslin Construction Co., Inc.; approximate estimate No. 5 for the reconstruction of a part of the Queensboro Subway, Route No. 26, Jackson Avenue Station, from December 1, 1922, to December 31, 1922 (R. T. 7556), \$13,540.50;
- Voucher No. 14, George Colon & Co.; approximate estimate No. 7, for the construction of Union Square passageway connection, Routes Nos. 5 and 8, from December 1, 1922, to December 31, 1922 (R. T. 7513), \$3,163.28;
- Voucher No. 15, Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 9 for the construction of inspection shed enclosure at Livonia Avenue Yard, Route No. 31, from December 1, 1922, to December 31, 1922 (R. T. 7520), \$5,353.97;
- Voucher No. 16, Hamme & Jackson, Inc.; final estimate for altering and reconstructing emergency exits and stopping leaks in the Manhattan and Blackwells Island shafts, Route 61, to January 2, 1923 (R. T. 7524), \$3,148.22.
- Voucher No. 38, Hospital Estates, Inc.; for the acquisition, for rapid transit purposes of a yard site for the Westchester Avenue Elevated Line of certain real estate located north of Westchester Avenue and East of Blondell Avenue in the Borough of The Bronx, \$11,388.03;
- Voucher No. 39; Harlem River & Portchester Railroad Co.; for the acquisition, for rapid transit purposes, of a yard site for the Westchester Avenue Elevated Line of certain real estate located north of Westchester Avenue and East of Blondell Avenue in the Borough of The Bronx, \$58,079.25;
- Voucher No. 49, Andrew Hayslip, Sr., individually and as administrator of the estate of Margaret Hayslip, deceased, or Benjamin Trapnell, Attorney; for fee damage sustained to plaintiff's easements of light, air and access to the premises No. 27 Ely Avenue, Long Island City, Borough of Queens, \$1,680.98;
- Voucher No. 50, Andrew Hayslip, Sr., individually and as administrator of the estate of Margaret Hayslip, deceased, or Benjamin Trapnell, Attorney; for rental damages sustained to plaintiff's easements of light, air and access to the premises No. 27 Ely Avenue, Long Island City, Borough of Queens, \$913.85.

74

Hearing

The following hearing was held:

10:45 A. M.; Case No. 1901; Long Island Railroad Company; application of John Adikes and Thomas Adikes for establishment of side track and switch connection with railroad at Jamaica, Borough of Queens. Lincoln C. Andrews, Chief Executive Officer, presided. Adjourned to January 18, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, January 18, 1923.

Present: George McAneny, Chairman; LeRoy T. Harkness, and John F. O'Ryan, Commissioners, and James B. Walker, Secretary.

The following matters were presented and action taken as noted:

75

Pursuant to call the Commission held a special meeting at 5 o'clock p. m. The Secretary presented the following letter from General Lincoln C. Andrews, presenting his resignation:

January 18, 1923.

To THE TRANSIT COMMISSION:

Will you please accept my resignation from the office of Chief Executive Officer, effective at the close of business hours today?

LINCOLN C. ANDREWS,
Chief Executive Officer.

On motion of Commissioner Harkness the resignation was accepted, effective immediately.

On motion of Commissioner Harkness George L. Lucas, Division Engineer, was designated Acting Chief Executive Officer, to serve during the pleasure of the Commission, and authorized to take charge immediately of the Chief Executive Officer's Department.

76

Employees' Resolution No. 124

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Resignations (Exempt)—Lincoln C. Andrews, Chief Executive Officer, at \$833.33 per month, to take effect January 18, 1923; Edward A. Roberts, Chief of Transit Bureau, at \$625.00 per month, to take effect January 18, 1923; and be it, and it hereby is further

Resolved, That George L. Lucas, Division Engineer, be, and he hereby is, designated as acting Chief Executive Officer, effective January 19, 1923.

77

Hearings

The following hearings were held:

10:40 A. M.; Cases Nos. 1756 and 1797; Staten Island Rapid Transit Railway Company; alteration of grade crossing at Pennsylvania Ave., Rosebank and alteration of grade crossings at Clifton Ave. & Maryland Ave., Rosebank—final accounting. Carleton S. Cooke, Assistant Counsel, presiding. Hearing closed.

3:45 P. M.; Case No. 1901; The Long Island Railroad Company, application of John Adikes and Thomas Adikes for establishment of side track and switch connection with railroad at Jamaica, Borough of Queens. Lincoln C. Andrews, Chief Executive Officer, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, January 19, 1923

78

Hearing

The following hearing was held:

11:10 A. M.; Case No. 2667; Interborough Rapid Transit Company; application of Merchants & Taxpayers' Alliance of the North Bronx for change of name of stations at 210th St.—Williamsbridge and Gun Hill Road on Third Avenue Elevated Line. George L. Lucas, Acting Chief Executive Officer, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, January 23, 1923

Present: George McAneny, Chairman; John F. O'Ryan, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

79

The Minutes of the Proceedings for the month of November, 1922, were approved.

80—R. T. 7636

Route No. 16, Section No. 2—Draft Form of Contract for Construction of Inspection Shed and Service Buildings at Jerome Avenue Yard—Resolution Directing Hearing Be Held

The following resolution was adopted:

Whereas, There is now submitted to this Commission by the Chief Engineer and Counsel, a draft form of proposed contract for the construction of inspection shed and service buildings at the Jerome Avenue Yard, (Route No. 16),

Resolved, Before finally fixing the terms and conditions of said proposed contract for the construction of inspection shed and service buildings at the Jerome Avenue Yard (Route No. 16); a public hearing upon the proposed terms and conditions therein shall be held on the 8th day of February, 1923, at the office of the Transit Commission, 49 Lafayette Street, Borough of Manhattan, New York City, at 11:30 o'clock a. m., at which hearing citizens shall be entitled to appear and be heard and that notice of such hearing shall be published in the City Record every day of publication continuously from and including January 25, 1923, to and including February 8, 1923, and on January 29, 1923, and February 5, 1923, in the New York Herald and The Globe, daily newspapers published in the City of New York, and that such notice shall state that copies of said draft of proposed contract may be obtained at the said office of the Transit Commission on payment of the fee of one dollar (\$1.00) for each copy.

81—R. T. 7587

Agreement "CA"—Report by Chief Engineer as to Receipt of Bids for Construction of Transformer Closets for Emergency Lighting and Recommendation for Award of Contract to B. T. & J. J. Mack at Bid Price of \$13,428—Approval Resolution—Requisition Upon Board of Estimate and Apportionment

The following report was approved:

January 17, 1923.

To TRANSIT COMMISSION:

Award of Contract for work under Agreement "CA" to B. T. & J. J. Mack, Inc.

On January 15, 1923, the following bids were received for work under Agreement "CA", Transformer Closets for Emergency Lighting on Municipal Railway Corporation's line in Manhattan and Queens:

B. T. & J. J. Mack, Inc.....	\$13,428.00
Benedetto & Saussez.....	13,944.00
Chas. J. Adams & Sons.....	14,273.00
John B. Roberts & Co.....	15,655.50
John Pollock	16,316.00

On two previous occasions bids for work under this Agreement were rejected by the Commission by resolutions of November 28, 1922, and December 27, 1922. The lowest bid received on December 18, 1922, was by Benedetto & Saussez, and amounted to \$14,039. Our estimate for this work amounts to \$14,492.

This is the first time B. T. & J. J. Mack, Inc., has bid on work for the Commission as a corporation. As a co-partnership, however, B. T. & J. J. Mack has a contract for installation of tracks on Route No. 31, Livonia Avenue Yard, amounting to about \$100,000, which work is now about 90% completed and has been done to our satisfaction. B. T. & J. J. Mack has also done considerable work for the New York Municipal Railway Corporation and is highly spoken of by that Corporation, who states that this contractor is familiar with construction work near tracks under operating conditions. This is of importance in connection with the work under this Agreement as a number of transformer closets are in close proximity to operating tracks.

I send you attached copy of minutes of a conference held in this office with a representative of B. T. & J. J. Mack, Inc., and also a copy of its financial statement. I also send you twelve (12) prints of summation of bids.

Recommendation: From an engineering standpoint I recommend, that the contract for Transformer Closets for Emergency Lighting on Municipal Railway Corporation's line in Manhattan and Queens, be awarded to B. T. & J. J. Mack, Inc., at its bid figure of \$13,428, and that a requisition be made on the Board of Estimate and Apportionment for the appropriation of this amount to be charged to Construction under Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Boroughs of Manhattan and Queens, Agreement "CA," was finally adopted on August 15, 1922, and subsequent to advertisement duly made bids respectively totalling as follows were received on January 15, 1923:

B. T. & J. J. Mack, Inc.....	\$13,428.00
Benedetto & Saussez.....	13,944.00
Chas. J. Adams & Sons.....	14,273.00
John B. Roberts & Co.....	15,655.50
John Pollock	16,316.00

: and

Whereas, The Chief Engineer of this Commission, by communication dated January 17, 1923, has reported that the amount of said low bid is reasonable and that the said B. T. & J. J. Mack, Inc., is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportion-

ment for the sum of \$13,428.00, the amount estimated to be necessary to carry out said proposed contract on the part of the City.

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby are approved; that the bid of B. T. & J. J. Mack, Inc., be and the same hereby is accepted and that the said proposed contract for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Boroughs of Manhattan and Queens, Agreement "CA," be and hereby is awarded to said B. T. & J. J. Mack, Inc., subject to its being consented to in form and substance as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$13,428.00, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

January 23, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission by resolution adopted September 13, 1922, awarded (subject to its being consented to in form and substance as required by law) a proposed contract for the construction of transformer closets for emergency lighting for part of the Broadway-Fourth Avenue Rapid Transit Railroad (Agreement "CA") to the Seymour Construction Co., Inc., and on that date transmitted said proposed contract, together with a requisition for the appropriation of the sum of \$9,655 to your Honorable Board for your consent and the appropriation of said sum.

By resolution adopted November 3, 1922, your Honorable Board consented to said proposed contract and appropriated said sum of \$9,655 for the purposes of meeting the City's obligations thereunder, making said appropriation a subauthorization under the general appropriation theretofore made for the purposes of meeting the City's obligations under the contract dated March 19, 1913, known as Contract No. 4.

The Chief Engineer of the Transit Commission, in recommending the award of said proposed contract to the Seymour Construction Co., Inc., under its said bid in his report dated September 7, 1922, in part as follows:

"The unit prices bid by the Seymour Construction Co., Inc., are very low and I doubt whether it can complete its work without some monetary loss. Nevertheless, I do not find that there is sufficient reason for not awarding the contract to this Corporation."

After the action aforesaid by your Honorable Board the said proposed contract was under date of November 4, 1922, transmitted to the Corporation Counsel for his approval as to the form of said proposed contract, which was returned to this Commission so approved on November 11, 1922. Immediately thereafter, the proposed contract was sent to the Seymour Construction Co., Inc., for execution, which by communication dated November 18, 1922, declined to execute said proposed contract, one of the reasons assigned, among others, being "the delay in approving the contract." Counsel to the Commission advised it that by reason of the provisions of Section 86-C of the general municipal law as amended by Chapter 856 of the Laws of 1920 permitting the withdrawal of bids if a completed award is not made within forty-five days after the receipt of bids that the Seymour Construction Co., Inc., could successfully defend its refusal to execute said proposed contract. The foregoing bids were received on August 31, 1922. Accordingly, the Commission rejected all bids so received and has readvertised said proposed contract.

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission and B. T. & J. J. Mack, Inc., for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Boroughs of Manhattan and Queens, Agreement "CA", together with a requisition upon your Honorable Board for the appropriation of the sum of Thirteen thousand, four hundred and twenty-

eight (\$13,428.00) Dollars, being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on January 15, 1923, respectively totalling as follows:

B. T. & J. J. Mack, Inc.....	\$13,428.00
Benedetto & Saussez.....	13,944.00
Charles J. Adams & Sons.....	14,273.00
John B. Roberts & Co.....	15,655.50
John Pollock.....	16,316.00

The Chief Engineer of this Commission, in a communication dated January 17, 1923, reports that the bid of B. T. & J. J. Mack, Inc., the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the said B. T. & J. J. Mack, Inc. subject to its being approved and consented to in form and substance, as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Thirteen thousand, four hundred and twenty-eight (\$13,428.00) Dollars, and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Thirteen thousand, four hundred and twenty-eight (\$13,428.00) Dollars.

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a subrequisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913, between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4, and the appropriations made thereunder by your Honorable Board.

Your Honorable Board is also requested to rescind the appropriation of the sum of Nine thousand, six hundred and fifty-five (\$9,655.00) Dollars, appropriated by resolution of November 3, 1922, as aforesaid and to return said sum to the source from which it was appropriated.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

82—R. T. 7516

Route No. 8, Sections Nos. 3, 4 & 5—Report by Chief Engineer Recommending Approval of Schedule Item for Furnishing and Installing Passimeter Drums in Connection With Contract for Station Finish—Approval Resolution

A report by the Chief Engineer dated January 8, 1923, recommending the approval of a supplementary schedule item as described below, was approved and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated May 16, 1922 between The City of New York acting by the Transit Commission and the Station Finish Corporation for the construction of station finish for a part of the 14th Street Eastern Rapid Transit Railroad, Route 8, Sections 3, 4 & 5, having, subject to the approval of the Commission, agreed with said contractor upon the following schedule item.

530-K—For furnishing and installing complete passimeter drums with all necessary framing in connection therewith as indicated on drawing No. 1067, file No. 24, as per direction of the Engineer, the sum of..... \$82.00 each

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

83—R. T. 6891

Route No. 8, Section No. 1—Report by Chief Engineer Recommending That Request Be Made to Comptroller to Cancel Voucher No. 76 in Sum of \$937.86 for Construction of Entrance to Sixth Avenue Station Through Store of James A. Hearn & Son, Inc.—Approval Resolution

A report by the Chief Engineer, as described below, was presented, and the following resolution was adopted:

Whereas, The Chief Engineer of this Commission has by communication dated January 19, 1923, reported and recommended as follows:

"Contract payment voucher #76, amount \$937.86, payable to Booth & Flinn, Ltd. on account of supplementary approximate estimate #1-H, Route 8, Section 1, "For account of 14th Street-Eastern Line, construction of entrance to Sixth Avenue Station through store of James A. Hearn & Son, Inc., under agreement of April 23, 1920, cost to be financed by James A. Hearn & Son, Inc.", Code S 915-A, was transmitted to the Transit Construction Commissioner by D. L. Turner, Chief Engineer.

This voucher was drawn on account of Estimate #1-H, dated March 8, 1921. Signed by J. O. Shipman, Division Engineer, and was for payment for additional cost of steel from stock for entrance to #30 West 14th Street. The amount of this estimate was \$1,103.37, from which was deducted 15% to be retained under the terms of the contract, making the net amount of the estimate \$937.86.

This voucher was approved by Daniel L. Ryan, Deputy and Acting Transit Construction Commissioner on March 19, 1921 and transmitted to the Department of Finance on March 21, 1921. The Comptroller has refused payment of the above mentioned voucher.

It has now been determined that the work for which this voucher was drawn should not be financed by James A. Hearn & Son, Inc., but should be financed from account of rapid transit funds and I would, therefore, recommend that a resolution be adopted by the Commission, requesting the Comptroller to cancel and return the above mentioned voucher.

Recommendation: I hereby recommend that the Commission adopt a resolution directing the Comptroller to cancel voucher #76, dated March 19, 1921, drawn in favor of Booth & Flinn, Ltd., for the amount of \$937.86 for account of 14th Street-Eastern Line, construction of entrance to Sixth Avenue Station through store of James A. Hearn & Son, Inc., under agreement of April 23, 1920, cost to be financed by James A. Hearn & Son, Inc., chargeable to Code S915-A and that the Comptroller be requested to return the above mentioned voucher to the Commission."

Resolved, That the said report be and the same hereby is approved; that the Secretary of the Commission be and hereby is directed to transmit a certified copy of this resolution to the Comptroller of The City of New York with the request that the necessary action be taken to comply with the report hereby approved.

84—R. T. 6924

Fourth Avenue Subway—Application by New York Consolidated Railroad Company for Approval of Proposed Permit to Brooklyn Edison Company, Inc. to Erect and Maintain Ornamental Lamp Posts over Gratings in Front of Premises at Nos. 5119 to 5123 Fourth Avenue, Borough of Brooklyn—Report by Chief Engineer Recommending Approval—Approval Resolution

An application dated January 13, 1923, from the New York Consolidated Railroad Company, requesting the approval of a proposed permit to be issued to the Brooklyn Edison Company, Inc., for the erection and maintenance of three ornamental lamp posts in front of the premises at Nos. 5119 to 5123 Fourth Avenue, Borough of Brooklyn, was presented.

A report by the Chief Engineer dated January 18, 1923, stating that the permit is satisfactory from an engineering standpoint and recommending that the application be approved, was also presented.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, Lindley M. Garrison, as Receiver of New York Consolidated Railroad Company, as assignee, has by communication dated January 13, 1923, submitted to this Commission for its approval, proposed permit dated January 13, 1923, to the Brooklyn Edison Company, Inc., permitting the erection and maintenance of three ornamental lamp posts over the gratings and ventilation flues of the Broadway-Fourth Avenue Rapid Transit Railroad in front of the premises Nos. 5119 to 5123 Fourth Avenue in the Borough of Brooklyn, City of New York, and to make the necessary changes in said structures to permit of said installation, which proposed permit has been accepted by the said Brooklyn Edison Company, Inc., and

Whereas, The Chief Engineer of this Commission has by communication dated January 18, 1923, reported that the said proposed permit has been examined and finds no objection thereto from an engineering standpoint and recommends that it be approved; and

Whereas, Counsel has examined said proposed permit and recommends the approval thereof upon the condition hereinafter set forth.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed permit be and hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed permit; the approval of this Commission being upon the distinct condition and understanding that all necessary or further permits, municipal or otherwise, as may be necessary to erect and maintain said lamps shall be procured by the said Brooklyn Edison Company, Inc., at its own cost and expense.

85—R. T. 6080

Rapid Transit Railroads—Report by Real Estate Clerk Recommending Termination of Concessions on Four Parcels of Property Sold at Public Auction—Approval Resolution

A report by the Real Estate Clerk dated January 22, 1923, recommending the termination of concessions on four parcels of property sold at public auction on January 16, 1923, was presented.

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of January 22, 1923, has reported that the following month to month tenancies now exist on the real property sold at public auction on January 16, 1923, title to which is to be delivered to the several purchasers on March 16, 1923:

Plot II—West side of Centre Street between Canal and Howard Sts., Borough of Manhattan; Messrs. Gordon & Freedman, entitled to 15 days' notice, and Tony Schragger, entitled to 10 days' notice.

Plot III—West side of Centre Street between Canal and Walker Sts., Borough of Manhattan; Messrs. Gordon & Freedman, entitled to 15 days' notice.

Plot VI—North side of E. 138th St. between Jackson Avenue and Southern Boulevard, Borough of The Bronx; Robert Olmstead, entitled to 10 days' notice.

Plot VII—Southwest corner of E. 138th St. and Mott Avenue, Borough of The Bronx; David Whitehorn, entitled to 15 days' notice.

recommending that the Commission authorize Counsel to notify such tenants to vacate the property by not later than 12:00 o'clock noon on March 1, 1923, in which recommendation Counsel has concurred.

Resolved, That the Commission do, and it hereby does, authorize and direct

Counsel to notify the aforesaid tenants to vacate the property occupied by them on or before March 1, 1923, terminating all right, title and interest of the said tenants in and to the property occupied by them; and it is further

Resolved, That Counsel be, and he hereby is, authorized and directed to take such further steps as shall in his judgment be necessary to effect the clearing of title of the several parcels so occupied should the same be in any way impaired by the occupancy of the property by the said tenants after 12:00 o'clock noon on March 16, 1923; and it is further

Resolved, That Counsel be, and he hereby is, authorized in his discretion to permit tenants to remain in occupancy of the premises until the date of the delivery of title thereof, but only after stipulation with the bid purchaser or his assignee that such tenancies, if allowed to remain at and after the time of the delivery of title, shall not constitute grounds for failure or refusal on the part of the bid purchasers or their assignees to accept delivery of the deeds and to pay the purchase prices on the closing dates.

86—R. T. 7617

Route No. 16, Section No. 1—Application by Interborough Rapid Transit Company for Approval of Plan for Additional Station Facilities at 161st Street Station of Jerome Avenue Line—Approval Resolution

An application from the Interborough Rapid Transit Company, as described below, was presented and the following resolution was adopted:

Whereas, The Transit Commission is in receipt of the following communication dated January 23, 1923 from Frank Hedley, President and General Manager of Interborough Rapid Transit Company:

“Conferences have recently been held between representatives of your Commission, the American League Baseball Club and this Company, concerning the additional station facilities required at the 161st St. Station, Jerome Avenue Line. It is contemplated that the baseball park will be opened April 18th. This leaves insufficient time within which to build the permanent facilities.

This Company, therefore, proposes to construct temporary facilities, as indicated upon its drawing No. 22616, blueprint of which is herewith enclosed. It is estimated that these temporary facilities will cost approximately \$3,000. The baseball people have agreed to loan for use in the construction of the temporary facilities a quantity of lumber which they have on hand. The net cost of the construction of the temporary facilities will be charged as an operating expense.

Your approval to the construction of such temporary facilities, as outlined above, is requested.”

Resolved, That the said proposal be and the same hereby is approved.

87—R. T. 7460

Agreement “AU”—Report by Chief Engineer Recommending Extension of Time to December 22, 1922 Within Which to Complete Contract for Miscellaneous Construction and Station Finish, Group III—Approval Resolution

A report by the Chief Engineer dated January 19, 1923, recommending that an extension of time be granted to Gustin-Morris Contracting Corporation to and including December 22, 1922, within which to complete all work under the contract for miscellaneous construction and station finish, Agreement “AU”, Group III, was presented.

The following resolution was adopted:

Whereas, The contract dated June 5, 1922, between The City of New York, acting by the Transit Commission and Gustin-Morris Contracting Corporation for miscellaneous construction and station finish in Municipal Rapid Transit Railroads, Agreement “AU,” Group III, provides for the completion of all work thereunder four (4)

months after the date of delivery of said contract, which contract was delivered on June 8, 1922, the last day for completion therefore being October 8, 1922; and

Whereas, The Chief Engineer of this Commission by communication dated January 19, 1923, reports that all work under said contract was completed in all respects within the contract time with the exception of the installation of two kalamein doors in the Clark Street Shaft; that such delay was due to inability to obtain hardware of a required special nature for said doors, which was not a stock article; that such installation was delayed until December 22, 1922 and accordingly recommends that the time on said contract be extended to and including December 22, 1922.

Resolved, That the said report and recommendation be and the same hereby is approved; that the time of Gustin-Morris Contracting Corporation within which to complete the work under said contract be and the same hereby is extended to and including December 22, 1922.

88—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Cable to Be Installed in Jerome Avenue Yard—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application dated January 5, 1923, from the Interborough Rapid Transit Company, requesting the approval of a proposed purchasing agent's order on the Kerite Insulated Wire & Cable Company, Inc., for the manufacture and delivery of cable to be installed in the Jerome Avenue Yard at an approximate cost of \$12,706.56, was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 13, 1923, recommending that the application be approved, was also presented.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has by communication dated January 5, 1923, submitted for the approval of this Commission, proposed Purchasing Agent's Order dated January 5, 1923, directed to The Kerite Insulated Wire and Cable Company, Inc., for the manufacture and delivery of the following:

- 40,000 Ft. 2 cond. cable, each cond. to be No. 9 B&S stranded copper wire, Kerite Insulation 5/64" wall, single braid on cond. tape and braid covered, one wire for marker.
2000 ft. to a reel.
Price:—\$112.06 per M. Ft.
 - 28,000 Ft. 5 cond. cable, each cond. to be No. 14 B&S stranded copper wire, Kerite Insulation 5/64" wall, single braid on cond. tape and braid over all, 1000 ft. to a reel.
Price:—\$221.52 per M. Ft.
 - 8,000 Ft. 7 cond. cable, each cond. to be No. 14 B&S stranded copper wire, Kerite Insulation 5/64" wall, single braid on cond. tape and braid covered, one wire for marker.
1000 Ft. to a reel
Price:—\$252.70 per M. Ft.
- To be delivered at once to 159th street and 8th avenue, N. Y. C.
No other bidders—Kerite Insulation specified.

which proposed Purchasing Agent's Order has been caused to be designated "Approval No. 433"; and

Whereas, By communication dated January 13, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that said material is to be used in connection with the signal equipment to be installed in the

Jerome Avenue Yard of the Railroad described in Contract No. 3, at an approximate total cost of \$12,706.56; that no bids were solicited for the reason that The Kerite Insulation has been found to be best suited for this use; that the price to be paid is reasonable and recommend that the Purchasing Order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 16, 1923, has recommended the approval of said proposed Purchasing Agent's Order, the expenditure thereunder to be classified as Equipment of the Railroad as defined in said contract No. 3.

Resolved, That the said reports and recommendation be and the same hereby are approved; that the said proposed Purchasing Agent's Order so submitted be and the same hereby is approved, the cost thereof to be classified as Equipment of the Railroad and that the Chairman of this Commission be and he hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed Purchasing Agent's Order.

89—R. T. 7007

Contract No. 3—Applications by Interborough Rapid Transit Company for Approval of Four Proposed Purchasing Agents Orders for Equipment to Be Installed on One Hundred New Steel Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolutions

Applications by Interborough Rapid Transit Company for approval of four proposed Purchasing Agent's Orders for material for equipping 100 new steel trailer cars at a total approximate cost of \$13,595, were presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer, dated January 15, 1923, recommending that the application be approved, the report being endorsed by the Auditor of Rapid Transit Costs recommending that the work be done as Additional Equipment under Work Order No. IBA-3, was also presented. The following resolutions were adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922, of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922, and the said proposed contract approved by said resolution of August 8, 1922, Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 5, 1923, directed to Edward J. Schroeder Lamp Works for the manufacture and delivery of the following:

2500 Holders, lamp shade, in accordance with sample submitted by them and approved by our Engineer. Price: \$1.25 each...\$3,125.00 which proposed purchasing agent's order has been caused to be designated as "Approval No. 434"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated January 15, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

Edward J. Schroeder Lamp Works.....	\$3,125.00
Safety Car Heating Company.....	2,500.00
Electric Service Supplies Company.....	no bid

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922, and August 8, 1922, aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922, in Case No. 2627 and approved the petition dated June 23, 1922, of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. 1BA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922, and the said proposed contract approved by said resolution of August 8, 1922, Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 8, 1923, directed to Columbia Machine Works and Malleable Iron Company, for the manufacture and delivery of the following:

400 Brackets, contact shoe fulcrum, Pat. 940-B annealed steel casting, per specification 55-C, finished per Det. 1, B-P 4333-L. Price: \$9.25 each.....	\$3,700.00
400 Slippers, auxiliary contact, for anti-flickering shoe, Pat. No. 462-B, unannealed steel finished per B-P 9258-C. Price: \$.70 each	280.00
Total.....	\$3,980.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 435"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated January 15, 1923, reportd that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

Columbia Machine Works and Malleable Iron Co.	\$3,980.00
The Ellcon Company.....	4,236.00
Van Dorn Coupler Co.....	6,980.00
I. G. Johnson & Co.....	19,952.00
P. H. Gill	no bid
R. Steel and Sons	no bid
Strong Steel Foundry Co.....	no bid
Farrell Check Steel Foundry.....	no bid

and recommend that said proposed purchasing agent's order be approved.

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and

the said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 9, 1923, directed to National Pneumatic Company for the manufacture and delivery of the following:

400 Interlocks, R.H. door follow-up, details per B/Ps 8540-N and assembled complete per B/P 8803-J	
Price: \$7.15 each.....	\$2,860.00
200 Interlocks, L. H. door follow-up, details per B/P 8540-N and assembled complete per 3/P 8803-J	
Price: \$7.15 each.....	1,430.00
Total	\$4,290.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 436"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated January 15, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

National Pneumatic Company \$4,290.00

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be an the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 9, 1923, directed to Columbia Machine Works and Malleable Iron Company for the manufacture and delivery of the following:

200 Boxes, train line junction, as per B/P 7538-C.
Price: \$11.00 each \$2,200.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 439"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated January 15, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

Columbia Machine Works and Malleable Iron Co	\$2,200.00
Westinghouse Electric and Manufacturing Co.....	2,450.00
General Electric Company	3,178.00
National Pneumatic Company	4,500.00

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 3, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

90—R. T. 7007

Contract No. 3—Applications by Interborough Rapid Transit Company for Approval of Twenty-Nine Proposed Purchasing Agent's Orders for Material for Equipping 396 High Voltage Cars With Multiple Door Control—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolutions

Applications from the Interborough Rapid Transit Company for the approval of twenty-nine proposed purchasing agent's orders for material for equipping 396 high voltage subway cars with multiple door control at a total approximate cost of \$707,121.38, were presented.

A report by the Engineer of Equipment and Operation and Chief Engineer dated January 3, 1923, recommending that the applications be approved, the report being endorsed by the Auditor of Rapid Transit Costs recommending that the work be done under Work Order No. ICqA-1, was also presented.

The following resolutions were adopted:

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated June 16, 1922, directed The National Pneumatic Company, as follows:

Item No.			Price per set	Total
1	264 sets	Controllers, motor car door, complete with automatic end door cutout, both assembled in one box, as per items 3 and 4 on Spec. 95-C and B/P 9371-A (2 per set).....	\$110.00	\$29,040.00
2	132 sets	Controllers, trailer car door, complete, as per item 3 on Spec. 95-C and B/P 9371-A (2 per set)	65.00	8,580.00
3	396 sets	Switches, car door control cutout, complete as per item 8 on Spec. 95-C and B/P 9370-A (2 per set)	101.80	40,312.80
4	396 sets	Boxes, junction car door control train-line complete, as per item 9 on Spec. 95-C and B/P 8810-E (2 per set)	16.40	6,494.40
5	396 sets	Boxes, door lock interlock, complete as per item 11, on Spec. 95-C and B/P 9364-A (2 per set)	21.00	8,316.00
6	396 sets	Controllers, master, complete as per item 12 on Spec. 95C and B/P 9363-A (2 RH and 2 LH per set)	120.00	47,520.00
7	396 sets	Cylinders, door lock, with magnet valve, complete, as per item 13 on Spec. 95-C and B/P 9367-A (2 per set)	45.00	17,820.00
8	396 sets	Contacts, door sliding, complete as per item 14 on Spec. 95-C and B/P 9368-A (4 RH and 2 LH per set).....	50.10	19,839.60

Item No.			Price per set	Total
9	396 sets	Relays, door lock, complete as per item 15 on Spec. 95-C and B/P 9370-A (2 per set).....	54.00	21,384.00
10	264 sets	Engines, door, with electro-pneumatically operated valves, complete as per item 16 and 17 on Spec. 95-C and B/P 9374-A (4 RH and 2 LH per set).....	690.00	182,160.00
11	132 sets	Valves, electro-pneumatically operated complete, as per item 16 on Spec. 95-C and B/P 9374-A (4 RH and 2 LH per set). The detachable magnet valve used in this assembly to be the same as our present standard for this class of work and the operating parts of the magnet valves that are integral with the engine valve housing are to conform to our standard.....	380.00	43,560.00
Totaling				\$425,026.80

which purchasing agent's order has been caused to be designated as "Approval No. 400"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

The National Pneumatic Co.....	\$425,026.80
Consolidated Car Heating Co.....	17,978.40
Westinghouse Electric and Mfg. Co.....	215,793.60
General Electric Co.....	300,762.00

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated June 16, 1922, directed to the Consolidated Car Heating Co., as follows:

Item No.			Price per set	Total
1	396 sets	Boxes, door operator's indication lamp, complete, as per item 10 on Spec. 95-C and B/P 8821-G (4 per set).....	\$29.20	\$11,563.20
2	396 sets	Boxes, door signal contact, assembled complete as per item 5 on Spec. 95-C and B/P 8811-D (4RH and 2LH per set).....	53.40	21,146.40
Totaling				\$32,709.60

which purchasing agent's order has been caused to be designated as "Approval No. 401"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Consolidated Car Heating Company.....	\$32,709.60
National Pneumatic Company	39,441.60
Westinghouse Electric and Mfg. Co.....	44,431.20
General Electric Company.....	Did not submit individual prices

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922, aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated June 16, 1922, directed to the Westinghouse Electric and Mfg. Co., as follows:

Item No.		Price per set	Total
1	396 sets Jumpers, car door control train-line, complete, as per item 6 on Spec. 95-C and B/P 9366-A (1 per set)	\$18.50	\$7,326.00
2	396 sets Sockets, coupler, car door control train-line, complete as per item 7, on Spec. 95-C and B/P 9369-A (2 per set).....	27.30	10,810.80
Totaling			\$18,136.80

which purchasing agent's order has been caused to be designated as "Approval No. 402"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Westinghouse Electric and Mfg. Co.....	18,136.80
General Electric Co.....	19,998.00
Consolidated Car Heating Co.....	No bid.
National Pneumatic Co.....	No bid.

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the

same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated June 21, 1922, directed to The Okonite Company, as follows:

	<i>Total</i>
600,000 feet of cable, 19—No. 25. single conductor insulated to be as Per Spec. 34-R, except that O. D. must not exceed .250"	
Price \$14.00 per M ft.....	\$8,400.00

which purchasing agent's order has been caused to be designated as "Approval No. 403"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work;

The Okonite Co.....	\$14.00 per M ft.
Standard Underground Cable Co.....	13.04 per M ft.
Habirshaw Elec. Cable Co.....	14.49 per M ft.
Bishop Gutta Percha Co.....	14.90 per M ft.
General Electric Co.....	15.30 per M ft.

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated November 14, 1922, directed to the Manhattan Electrical Supply Co., as follows:

Item No.		
1	7,800 Covers, taplet, Paiste No. 609.....	\$449.28
2	2,200 Taplets, ½ in. without covers, Paiste No. 4,114..	760.32
3	190 Taplets ½ in. L. R. without covers, Paiste No. 4,118	54.72
4	3,675 Taplets, ¾ in. T without covers, Paiste No. 4,124	1,640.52
	Total	\$2,904.84

which purchasing agent's order has been caused to be designated as "Approval No. 404"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Manhattan Electrical Supply Co.....	\$2,904.84
Western Electric Co.....	(\$5.76 per C.)
E. B. Latham and Co.....	(\$5.76 per C.)
Stanley and Patterson	Did not quote.

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated July 17, 1922, directed to the Western Electric Company, as follows:

534,000 feet conduit, 1/4" loricated.....	\$21,076.98
76,000 feet conduit, 3/4" loricated.....	3,828.88
Totalling	<u>\$24,905.86</u>

which purchasing agent's order has been caused to be designated as "Approval No. 405"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Western Electric Co.	\$24,905.86
E. B. Latham and Co.	24,923.40
Fletcher Electric Co.	26,418.00

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommended that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provision of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated July 24, 1922, directed to the The Okonite Company, as follows:

300,000 feet of cable, 19 No. 25 single conductor insulated, to be as per Specification 34-R except that O. D. must not exceed .250"
 Price \$14.00 per M. Ft. \$4,200.00
 which purchasing agent's order has been caused to be designated as "Approval No. 406";
 and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

The Okonite Co.	\$14.00 per M. ft.	\$4,200.00
Standard Underground Cable Co.....	13.44 per M. ft.	
Habirshaw Elec. Cable Co.....	14.91 per M. ft.	
Bishop Gutta Percha Co.....	15.30 per M. ft.	

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated July 26, 1922, directed to the Columbia Machine Works and Malleable Iron Co., as follows:

792 Sockets, signal coupler, complete, as per B/P 9,769-A and, with approximately 20 feet of 19—No. 25 insulated cable, as per Spec. 34-R, except that O. D. must, not exceed .250 in.		
Price: \$7.40 each		\$5,860.80
396 Jumpers, signal complete, with cable, as per blue print 9,769-A and Spec. 34-R.		
Price: \$9.15 each		3,623.40
Total		\$9,484.20

which purchasing agent's order has been caused to be designated as "Approval No. 407"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Columbia Machine Works and Malleable Iron Co.....	\$9,484.20
Western Electric Company	9,523.80
General Electric Company	10,890.00
Westinghouse Electric and Mfg. Co.....	12,723.48

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and

the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated July 28, 1922, directed to the Crane Company, as follows:

Quantity	Description	Approx. Weight	List Price	Amount	Discount	Net Price
20,300	Bushings, 1/2 in. x 1/4 in. Malleable reducing .....		.04 ea.	\$812.00	43-25-5%	\$329.77
1,100	Bushings, 3/8 in. x 1/4 in. Malleable, reducing .....		.04 ea.	44.00	43-25-5%	17.87
87,000	Couplings, 1/4 in. R&L Malleable ribbed	8,482 lbs.	.20 lb.	1,696.40	10-25-5%	1,087.82
1,700	Couplings, 3/8 in. R&L Malleable ribbed	272 lbs.	.20 lb.	54.40	10-25-5%	34.88
13,000	Couplings, 3/4 in. R&L Malleable ribbed	4,257 lbs.	.20 lb.	851.40	10-25-5%	545.96
5,800	Elbows, 3/8 in. GM&B.....	1,174 lbs.	.28 lb.	328.72	10-25-5%	211.79
3,700	Elbows, 1/4 in. street, GM&B...	472 lbs.	.28 lb.	132.16	10-25-5%	84.75
550	Nipples, 1 in. x 2 in. Extra heavy galv.....		.22 ea.	121.00	65-25-5%	30.17
20,000	Nuts, 1/4 in. pipe lock, Malleable	800 lb.	.20 lb.	160.00	10-25-5%	102.60
4,100	1/2 in. Nuts, pipe lock, Malleable	287 lbs.	.20 lb.	57.40	10-25-5%	36.80
1,200	Tees, 3/8 in. x 1/2 in. GM&B	426 lbs.	.28 lb.	119.28	10-25-5%	76.49
810	Tees, 3/8 in. GM&B.....	176 lbs.	.28 lb.	49.28	10-25-5%	31.60
770	Tees 1/2 in. x 3/8 in. GM&B	223 lbs.	.28 lb.	62.44	10-25-5%	40.04
500	Tees, 1 in. x 3/8 in. GM&B	264 lbs.	.28 lb.	73.92	10-25-5%	47.40
Total						\$2,677.94

which purchasing agent's order has been caused to be designated as "Approval No. 408"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Crane Company	\$2,677.94
John Simmons Company	2,862.08
M. O'Neil Supply Company	3,135.56
Cornell and Underhill	3,381.41

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the

same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by a resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated August 3, 1922, directed to the Westinghouse Traction Brake Company, as follows:

810 Cocks, 3/8" cutout, complete WTB Pc. No. 9053, except that handle must be parallel to cock body when open, handle to have 1/8" hole drilled near end	at \$1.50 each	\$1,215.00
540 pcs. Hose, 1/2"x19" standard air, complete, fitted with 3/8" union nipple and 3/8" male threaded nipple,	at 1.00 each	540.00
540 pcs. Hose, 1/2"x28" standard air, complete, fitted with 3/8" union nipple and 3/8" male threaded nipple,	at 1.15 each	621.00
1600 Strainers, 3/8" air, type O. B., WTB Pc. No. 3272	at 3.00 each Less 50-2-1/2 %	2,223.00
810 Cocks, 1/4" cutout, with vent, WTB Pc. No. 17921	at 2.25 each Less 50-2-1/2 %	888.47
	Total	\$5,487.47

which purchasing agent's order has been caused to be designated as "Approval No. 409"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Westinghouse Traction Brake Company	\$5,487.47
New York Air Brake Co.	6,849.60
Allis-Chalmers Co.	Did not quote
General Electric Co.	Did not quote

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated August 4, 1922, directed to the Edison Storage Battery Company, as follows:

5,018 cells, Edison B-1-H storage battery, complete with connectors, at	\$6.50 each less 20%	\$26,093.60
264 Jumpers, 12" battery, rubber covered, with clasp connector, and terminal, at	1.60 each less 20%	337.92
264 Jumpers, 30" battery, rubber covered, with clasp connector and terminal, at	1.85 each less 20%	390.72
264 Boxes, Edison storage battery, complete with 27 cell tray, as per B/P 6552-E, at	10.00 each less 20%	2,112.00
Total		\$28,934.24

which purchasing agent's order has been caused to be designated as "Approval No. 410"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Edison Storage Battery Co.....\$28,934.24

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved: and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated August 9, 1922, directed to the Columbia Machine Works & Malleable Iron Company, as follows:

830 Boxes, outlet, Det. 1, B/P 9775-A, at \$1.05 each.....	\$871.50
730 Boxes, outlet, Det. 2, B/P 9775-A, at \$1.05 each.....	766.50
830 Boxes, outlet, Det. 3 B/P 9775-A, at \$1.05 each.....	871.50
1,110 Brackets, signal contact box, for high voltage cars, Det. 3, B/P 8813-K, at \$0.25 each.....	277.50
2,610 Brackets, guard chain, B/P 6249-C, at \$0.45 each.....	1,174.50
800 Bushings, bell cord, B/P 8816-B, at \$0.60 each.....	480.00
1,380 Castings, signal rod end (offset) Detail 1, B/P 8830-I, at \$0.60 each	828.00
1,050 Castings, signal rod end (straight) Detail 5, B/P 8830-I, at \$0.60 each	630.00
1,600 Interlocks, R. H. door follow-up, details as per B/P 8540-I and assembled complete as per B/P 8803-I, at \$7.15 each.....	11,440.00
800 Interlocks, L. H. door follow-up, details as per B/P 8540-I and assembled complete as per B/P 8803-I at \$7.15 each.....	5,720.00

Total \$23,059.50

which purchasing agent's order has been caused to be designated as "Approval No. 411"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Columbia Machine Works and Malleable Iron Co.....	\$23,059.50
National Pneumatic Co., Inc.	25,223.50
Traction Supply and Equipment Co.....	30,933.00
The Ellcon Co.	30,987.47
R. Steel and Sons, Inc.....	No bid
Enterprise Machine and Tool Co.....	No bid

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommended that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated August 9, 1922, directed to R. Steel & Sons, Inc., as follows:

1,660 Clamps, R. H. outlet box, Det. 25, B/P 8825-K, at \$0.15 each....	\$249.00
530 Clamps, L. H. outlet box, Det. 25, B/P 8825-K, at \$0.15 each....	79.50
2,500 Castings, signal rod tripping, Det. 6-A, B/P 8813-K, at \$0.47 each	1,175.00
2,430 Shields, magnet valve, Det. 1, B/P 8824-F, at \$1.30 each.....	3,159.00
2,465 Stiffeners, seat spacer, Det. 2, B/P 8824-F, at \$0.15 each.....	369.75
2,500 Supports, magnet valve shield, Det. 3, B/P 8824-F, at \$0.30 each	750.00
1,300 Plates, backing (¼ in. x 1 in. x 3 in. steel), Det. 4, B/P 8813-K, at \$0.05 each	650.00

Total \$6,432.25

which purchasing agent's order has been caused to be designated as "Approval No. 412"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

R. Steel and Sons, Inc.....	\$6,432.25
Columbia Machine Works and Malleable Iron Co.....	7,188.70
National Pneumatic Co., Inc.....	8,870.00
Traction Supply and Equipment Co.....	11,058.25
The Ellcon Company	12,242.55

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. 1CqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated August 28, 1922, directed to The Ellcon Company, as follows:

540 Hangers, H. V. Motor door junction box, Det. 23, B/P 8839-J. Price: 52c. each	\$280.80
540 Hangers, H. V. Motor door junction box, Det. 24, B/P 8839-J. Price: 52c. each	280.80
270 Hangers, H. V. trailer door junction box, Det. 25, B/P 8839-J. Price: 52c. each	140.40
135 Hangers, H. V. trailer door junction box, Det. 26, B/P 8839-J. Price: 35c. each	70.20
1,060 Bolts, door lock, Det. 1, B/P 9319-E. Price: 35c. each	371.00
790 Bolts, door lock, Det. 2, B/P 9319-E. Price: 35c. each	276.50
264 Cradles, storage battery details as per B/P 9741-C and to be assembled per B/P 9797-A. Price: \$13.86 each	3,659.04
270 Brackets, lock cylinder (NV tra.), Det. 1 B/P 9829-A. Price: 41c. each	110.70
Total	\$5,189.44

which purchasing agent's order has been caused to be designated as "Approval No. 413"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

The Ellcon Company	\$5,189.44
R. Steel and Sons, Inc.	5,901.65
National Pneumatic Co.	5,915.65
Columbia Machine Works and Malleable Iron Co.	7,661.65
P. H. Gill and Sons.	8,909.75
Traction Supply and Equipment Co.	No bid
Wallace Supply and Mfg. Co.	No bid

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned, Work Order No. 1CqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated August 29, 1922, directed to National Pneumatic Company, as follows:

1,080 Plates, patching, for vestibule door post, Det. 1, B/P 9800-A. Price: 4c each.....	\$43.20
1,080 Plates, patching for vestibule door post, Det. 2, B/P 9800-A. Price: 8c. each	86.40
540 Hangers, resistance, for synchronizing governor, Det. 3 B/P 9800-A. Price: 15c. each	280.80
530 Plates, R.H. Vestibule door engine bed, Det. 10, B/P 9800-A Price: \$2.05 each.....	1,086.50
530 Plates, L.H. Vestibule door engine bed, Det. 11. Price: \$2.05 each	1,086.50
2,400 Clevises, door lock bolt Det. 3, B/P 9319-E. Price: 15c. each	360.00
270 Plates, door lock, Det. 3, B/P 9320 C. Price: 10c. each....	27.00
535 Bolts, collapsible door lock, details as per B/P 9323-A, 9324-A, and 9325-A; to be assembled complete as per B/P 9326-B. Price: \$120 each.....	642.00
810 Clamps, trans. rod, guide Det. 3, B/P 9734-A. Price: 15c. each	121.50
1,620 Hangers, engine opening fuse, Det. 14, B/P 9734-A. Price: 10c. each	162.00
810 Supports, coupler socket, Det. 16, B/P 9734-A. Price: 45c each	364.50
270 Plates, shim, lock cylinder bracket, Det. 2, B/P 9829-A. Price: 5c. each	13.50
3,500 Plates, backing Det. 4, B/P 8313-K. Price: 5c. each.....	175.00
540 Forks, R.H. Motorman's door opening device, Det. 1, B/P 8802-E. Price: \$1.00 each	540.00
540 Plates, angle, Motorman's door opening device Det. 4, B/P 8802-F. Price: 15c each.....	81.00
540 Bushings, Motorman's door opening device, Det. 5, B/P 8802-F. Price: 5c. each	27.00
1,620 Collars, spring, lock piston rod, Det. 4, B/P 9731-A. Price: 5c. each	81.00
Total.....	\$5,258.90

which purchasing agent's order has been caused to be designated as "Approval No. 414";
and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of
this Commission, have reported the following bids were received for the performance of
such work:

National Pneumatic Co.	\$5,258.90
R. Steel and Sons	6,182.80
P. H. Gill and Sons	8,361.80
Columbia Machine Works and Malleable Iron Co.....	8,879.25
The Ellcon Co.	9,152.20
Traction Supply and Equipment Co.....	No bid
Wallace Supplies Mfg. Co.....	No bid

that the material is necessary and the price is reasonable being the best obtainable for
the superior quality of the material supplied and recommend that the said proposed
purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10,
1923, has recommended the approval of said proposed purchasing agent's order as being
in accordance with the approval of this Commission as set forth in its resolution of
December 19, 1922, aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are
approved; that the said proposed purchasing agent's order so submitted be and the same
hereby is approved and that the Chairman of this Commission be and the same hereby
is directed to execute the form of approval of this Commission made part of said
proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved
the proposal of Interborough Rapid Transit Company pursuant to the provisions of
Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No.
3 to install as an Addition a multiple door control on 396 additional subway high volt-
age cars as therein more particularly indicated and determined the proper classification

of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. 1CqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated August 30, 1922, directed to R. Steel & Sons, Inc., as follows:

810 Brackets, cord pulley, Det. 18, B/P 8839-J. Price: 20c. each..	\$162.00
540 Brackets, hose hanger, Det. 7, B/P 9800-A. Price: 11c. each	59.40
270 Hangers, hose, Det. 8, B/P 9800-A. Price: 45c. each.....	121.50
530 Plates, center door engine bed, Det. 9, B/P 9800-A Price:	
\$1.75 each	927.50
535 Hangers, R.H. vestibule door, complete B/P 9802-A. Price:	
\$1.70 each	909.50
535 Hangers, L. H. vestibule door, complete B/P 9802-A. Price:	
\$1.70 each	909.50
810 Plates, door lock, Det. 4, B/P 9320-C. Price: 25c. each....	202.50
530 Clamps, door lock, Det. 1, B/P 9321-C. Price: 10c. each....	53.00
540 Clamps, door lock, Det. 2, B/P 9321-C. Price: 11c. each....	59.40
800 Clamps, door lock, Det. 1, B/P 9322-C. Price: 10½c. each..	84.00
780 Clamps, door lock, Det. 2, B/P 9322-C. Price: 10½c. each..	81.90
1,110 Clamps, door lock, Det. 3, B/P 9322-C. Price: 10c. each....	111.00
1,620 Plates, floor for door lock rods, Det. 1, B/P 9734-A. Price:	
14c. each	226.80
1,620 Brackets, R.H. eng. switch, Det. 10, B/P 9734-A. Price:	
10c. each	162.00
810 Brackets, trans. rod, guide, Det. 2, B/P 9734-A. Price:	
25c. each	202.50
810 Brackets, trans. rod, guide, Det. 2, B/P 9734-A. Price:	
25c. each	202.50
1,620 Hangers, lock interlock box, Det. 6, B/P 9734-A. Price:	
13c. each	210.60
810 Brackets, L.H. eng. switch, Det. 11, B/P 9734-A. Price:	
10c. each	81.00
1,620 Brackets, contact box pipe support, Det. 13, B/P 9734-A. Price:	
20c. each	324.00
1,620 Brackets, control switch Det. 17, B/P 9734-A. Price: 25c. each	405.00
540 Brackets, Motorman's door opening device, Det. 2, B/P 8802-F.	
Price: 20c. each	108.00
540 Rods, Motorman's door opening device, Det. 6, B/P 8802-F.	
Price: 8c. each	43.20
Total.....	
\$5,646.80	

which purchasing agent's order has been caused to be designated as "Approval No. 415"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of the Commission, have reported the following bids were received for the performance of such work:

R. Steel and Sons, Inc.....	\$5,646.80
National Pneumatic Co.....	7,109.60
The Elcon Co.....	7,362.38
P. H. Gill and Sons.....	7,697.10
Columbia Machine Works and Malleable Iron Co.....	9,038.60
Traction Supply and Equipment Co.....	No bid
Wallace Supplies Mfg. Co.....	No bid

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same

hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated September 2, 1922, directed to Morton Manufacturing Company, as follows:

530 steps, R.H. Door Operators for H.V. Motor cars, B/P 8814-C.	
Price: \$1.85 each.....	\$980 50
280 steps, R.H. Door Operators for H.V. trailer cars, B/P 8814-C.	
Price: \$1.85 each.....	518 00
810 steps, L.H. Door Operators, B/P 8814-C. Price: \$1.85 each.....	1,498 50
Total	\$2,997 00

which purchasing agent's order has been caused to be designated as "Approval No. 416"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such works:

Morton Manufacturing Co.....	\$2,997 00
R. Steel and Sons, Inc.....	2,025 00
National Pneumatic Co.....	2,268 00
Columbia Machine and Malleable Iron Works.....	2,835 00
Traction Supply and Equipment Co.....	No bid.

that the material is necessary and the price is reasonable, being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922, aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated September 15, 1922, directed to Westinghouse Electric & Manufacturing Company, as follows:

132 Relays, battery charging and emergency lighting, complete, with two (2) 2000 ohm resistance tubes and assembled in box, with brackets for mounting under car, WE&M type 389-H.	
Price: \$23.50 each. Total price.....	\$3,102 00

which purchasing agent's order has been caused to be designated as "Approval No. 417"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Westinghouse Electric and Manufacturing Co.....	\$3,102 00
National Pneumatic Co.....	27 00 each
Columbia Machine Works and Malleable Iron Co....	29 50 each
General Electric Co.....	31 50 each

that the material is necessary and the price is reasonable, being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922, aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated September 20, 1922, directed to Columbia Machine Works & Malleable Iron Company, as follows:

792 Boxes, door operator's indication lamp, complete, details, per B/Ps	
9824-B, 9836-A, 9746-C and to be assembled as per B/P 9330-D.	
Price: \$6.25 each. Total.....	\$4,950 00

which purchasing agent's order has been caused to be designated as "Approval No. 418"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Columbia Machine Works & Malleable Iron Co....	\$6.25 ea.	\$4,950 00
Consolidated Car Heating Co.....	6.50 ea.	
National Pneumatic Co.....	7.00 ea.	
General Electric Co.....	No bid.	
Westinghouse Electric & Manufacturing Co.....	No bid.	

that the material is necessary and the price is reasonable, being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922, aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 9, 1922, directed to National Pneumatic Company, as follows:

Item No.		
1	792 Tripe safety for H.V. trailer car door reversing attachment details as shown on B/P 8719-E and assembled complete, as per B/P 8800-D. Price: \$2.15 each.....	\$1,702 80
2	800 Pieces channel retaining strip (35-1/4" long) for H.V. trailer car door reversing attachment, Det. 2, B/P 9749-B. Price: \$0.55 each	440 00
3	1,584 Switches, reversing for H.V. motor car door reversing attachment, complete, details and assembly as per B/P 9841-C. Price: \$2.75 each.....	4,356 00
4	1,300 Pieces, Channel (8-1/4" long) door reinforcing for H.V. Motor Car door reversing attachment, Det. 4, B/P 9749-B. Price: \$0.21 each.....	273 00
5	320 Fillers door reinforcing, H.V. motor car, Det. 1, B/P 9871-A. Price: \$0.30 each.....	96 00
6	310 Fillers, door reinforcing, H.V. motor car, Det. 6, B/P 9871-A. Price: \$0.77 each.....	238 70
	Total	\$7,106 50

which purchasing agent's order has been caused to be designated as "Approval No. 419"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

National Pneumatic Co.....	\$2,106 50
Morton Manufacturing Co.....	846 00
R. Steel and Sons, Inc.....	4,024 90
P. H. Gill and Sons.....	11,489 20
Columbia Machine Works & Malleable Iron Co.....	14,831 80

that the material is necessary and the price is reasonable, being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922, aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3, to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 9, 1922, directed to R. Steel and Sons, as follows:

Item No.		
1	800 pieces Channels, retaining strip (25-3/8" long) for H. V. trailer car door reversing attachment, Det. 3, B/P 9749-B. Price: \$.75 ea.....	\$600.00
2	1,584 Covers, reversing switch for H. V. Motor car door reversing attachments, Det. 5, B/P 9829-C. Price: \$.33 ea.....	522.72
3	1,300 pieces Channel door reinforcing (12-7/8" long) for H. V. Motor Car door reversing attachment, Det. 6, B/P 9749-B. Price: \$.58 ea.....	754.00
4	3,480 Plates, door catching, for H. V. Motor car door reversing attach, Det. 5, B/P 9749-B. Price: \$.15 ea.....	522.00

Item No.

5 530 Handles, pull, for motorman's door opening device, Det. 4, B/P 9529-C. Price: \$.22 ea..... 116.60

Total \$2,515.32

which purchasing agent's order has been caused to be designated as "Approval No. 420"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

R. Steel and Sons, Inc.....	\$2,515.32
Morton Manufacturing Co.....	2,045.60
National Pneumatic Co.....	3,811.62
P. H. Gill and Sons.....	5,662.10
Columbia Machine Works and Malleable Iron Co.....	5,982.90

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 9, 1922, directed to Columbia Machine Works and Malleable Iron Company, as follows:

Item No.

1	792 Brackets, top spring, for H.V. Trailer Car door reversing attachment details as shown on B/Ps 8385-F, 9748-A and 9750-C and to be assembled complete as per B/P 9750-C Price: \$4.50 each.....	\$3,564.00
2	792 Brackets, bottom spring, for H.V. trailer car door reversing attachment, details as shown on B/Ps 8385-F, 9745-B, 9747-B, 9748-A, 9749-D, and to be assembled complete as per B/P 9798-B. Price: \$8.00 each.....	6,336.00
3	1,584 Attachments, H.V. Motor car door reversing (without switch) details as shown on B/Ps., 9842-E, 9846-A and assembled complete as per B/P 9839-D. Price: \$15.85 each	24,631.20
4	320 Fillers, door reinforcing, H.V. Motor car, Det. 3, B/P 9871-A. Price: \$.30 each.....	96.00
5	310 Fillers, door reinforcing, H.V. Motor car, Det. 4, B/P 9871-A. Price: \$1.25 each.....	387.50
6	310 Fillers, door reinforcing, H.V. Motor Car, Det. 5, B/P 9871-A. Price: \$2.00 each.....	620.00

Total \$35,634.70

which purchasing agent's order has been caused to be designated as "Approval No. 421"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Columbia Machine Works & Malleable Iron Co.....	\$35,634.70
R. Steel and Sons, Inc.....	14,042.40
National Pneumatic Co.....	45,407.70
P. H. Gill and Sons.....	54,918.00
Morton Manufacturing Co.....	No bid

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 9, 1922, directed to Maguire Rubber Company, as follows:

1,620 shoes, rubber, door reversing (9-1/2" x 6' 3-1/2") for H.V. motor cars as per specification below. Price: \$.385 per lb. or \$1.20 ea.....	\$1,944.00
820 shoes, rubber, door reversing (13-1/4" x 6' 3-1/2") for H.V. trailer cars as per specifications below. Price: \$.385 per lb. or \$1.73 ea.....	1,418.60

Total \$3,362.60

which purchasing agent's order has been caused to be designated as "Approval No. 422"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

	Item No. 1	Item No. 2	
Maguire Rubber Co. (each).....	\$1.20	\$1.73	\$3,362.60
Vulcan Proofing Co.....	1.18	1.57	
Quaker City Rubber Co.....	1.30	1.80	
New York Belting and Pkg. Co.....	.75	1.05	
Diamond Rubber Co., Inc.....	1.48	2.13	
Voorhees Rubber Mfg. Co.....	1.67	2.20	
Hewitt Rubber Co.....	.93	1.34	
U. S. Rubber Co.....	.625	.88	
Manhattan Rubber Co.....	1.24	1.80	
The Cantslip Mfg. Co.....	1.20	1.73	
Imperial Rubber Co.....		Did Not Quote	
La Favorite Rubber Co.....		Did Not Quote	
Republic Rubber Co. of New York....	1.57	2.09	

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 11, 1922, directed to the Edison Storage Battery Company, as follows:

132 sets Batteries, Edison B-1-H type, 26 cell storage complete with necessary connectors and rubber covered jumpers with Clasp Connectors assembled in box, as per B/P 6552-E and Spec. 68-E.

Prices as follows:

Battery	\$169.00 ea. less 20%	\$17,846.40
12-in. Jumpers with connector and terminal.	1.60 ea. less 20%	168.96
30 in. Jumper with connector and terminal.	1.85 ea. less 20%	195.36
Special boxes	10.00 ea. less 20%	1,056.00

Total \$19,266.72

which purchasing agent's order has been caused to be designated as "Approval No. 423"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Edison Storage Battery Co..... \$19,266.72

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommended that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 11, 1922, directed to Westinghouse Electric and Manufacturing Co., as follows:

132 Relays, battery charging and emergency lighting, complete with two (2) 2,000 ohm resistance tubes and assembled in box for mounting under car WE&M Co.'s type 389-H or relay of similar design.

Price: \$23.50 each..... \$3,102.00

which purchasing agent's order has been caused to be designated as "Approval No. 424"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Westinghouse Electric and Mfg. Co.....	\$23.50 each	\$3,102.00
General Electric Co.	23.25 each	
Columbia Machine Works and Malleable Iron Co.		No bid
National Pneumatic Co.		No bid

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 11, 1922, directed to Traction Supply and Equipment Company, as follows:

132 Cradles, storage battery, for H. V. trailer cars, complete, details and assembly as per B/P 6706-E. Price: \$12.00 each.....	\$1,584.00
264 Hangers, H. V. trailer car battery cradle, Det. 1, B/P 9922-A. Price: \$0.82 each	216.48
264 Plates, filler, for H. V. trailer car battery hanger, Det. 2, B/P 9922-A. Price: \$0.11 each	29.04
132 Brackets, H. V. trailer car battery fuse box, Det. 3, B/P 9922-A	47.52
132 Hangers, H. V. trailer car battery cradle, Det. 4, B/P 9922-A. Price: \$1.30 each	171.60
132 Hangers, H. V. trailer car battery cradle, Det. 5, B/P 9922-A. Price: \$1.30 each.....	171.60
Total	\$2,220.24

which purchasing agent's order has been caused to be designated as "Approval No. 425"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Traction Supply and Equipment Co.....	\$2,220.24
R. Steel and Sons, Inc.....	2,757.48
P. H. Gill and Sons.....	3,379.20
Columbia Machine Works and Malleable Iron Co.....	3,729.00
National Pneumatic Co.	3,729.00
Morton Mfg. Co.	No bid

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923, has recommended the approval of said proposed purchasing agent's order as

being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Article LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 14, 1922, directed to Westinghouse Electric and Manufacturing Company, as follows:

396 ea.	Resistances, storage battery charging, consisting of two (2) 50 ohm resistance tubes having a continuous capacity of 3 amperes, mounted in series, on panel with 25 ohm tap on each tube. To be assembled complete in weather-proof metal box with hinged cover and catch. Box to be provided with brackets for mounting under car. Price: \$9.75 each.....	\$3,861.00
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which purchasing agent's order has been caused to be designated as "Approval No. 426"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Westinghouse Electric & Mfg. Co.....	\$ 9.75 each	\$3,861.00
General Electric Co.....	12.73 each	
Western Electric Co.....	17.05 each	

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 18, 1922, directed to Westinghouse Electric & Mfg. Co., as follows:

Item No.

1	264 ea. Panels, battery switchboard, for H.V. motor cars, to be assembled complete, with switches, fuse clips, etc. as per B/P 9936-A. Price: \$13.35 each.....	\$3,524.40
2	132 ea. Panels, batter switchboard for H.V. trailer cars, to be assembled complete with switches, fuse clips, etc. as per B/P 9937-A. Price: \$9.60 each.....	1,267.20

Total	\$4,791.60
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which purchasing agent's order has been caused to be designated as "Approval No. 427"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Westinghouse Electric and Mfg. Co.....	\$4,791.60
Columbia Machine Works and Malleable Iron Co.....	4,620.00
R. B. Corey Co.....	5,544.00
General Electric Co.....	5,583.60
Western Electric Co.....	9,810.88

that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated October 23, 1922, directed to Western Electric Company, as follows:

264 Boxes, double pole fuse, complete, D&W type K-20, cat. No. 2200 with straight outlet hood at each end, tapped for 1/2" conduit, assembled complete. Price: \$722.40 per 100.....	\$1,907.14
132 Bases, double pole porcelain fuse, D&W, Cat. No. 91108. Price: \$98.00 per 100.....	129.36
900 Fuses, 50 amp. 250 volt, D&W No. S-3309. Price: \$17.50 per 100	157.50
Total	\$2,194.00

which purchasing agent's order has been caused to be designated as "Approval No. 428"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported the following bids were received for the performance of such work:

Western Electric Co.....	\$2,194.00
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that the material is necessary and the price is reasonable being the best obtainable for the superior quality of the material supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

91—Case 1292

The New York Central Railroad Company—Operation of Freight Trains on Eleventh Avenue—Reports Approved

The Secretary presented:

1. A report by the Chief of Transit Bureau, approved by the Chief Executive Officer, dated January 16, 1923, advising that permission had been granted for the suspension of the Order herein prohibiting the operation of freight trains on Eleventh Avenue from January 16, to January 19, 1923, inclusive.

2. An application by the Superintendent of Freight Yards of The New York Central Railroad Company, dated January 16, 1923, requesting a further suspension of the order herein until January 31, 1923, due to heavy snowfalls, together with a report by the Assistant Chief of Transit Bureau, dated January 19, 1923, recommending that the application be granted.

The Commission approved the two reports and ordered the same filed.

92—Case 2669

Annual Reports—Forms of Annual Report for Steam Railroad Corporations Within the Jurisdiction of the Commission—Filing Order Adopted

The Commission on its own motion adopted an Order in Case No. 2669, directed to steam railroad corporations within its jurisdiction and requiring them to file their annual reports on or before April 10, 1923, on forms to be prescribed and supplied by the Commission.

93—Case 2670

New York Consolidated Railroad Company, The Long Island Railroad Company—Application of Board of Estimate and Apportionment for Determination as to the Method by Which 6th Avenue Between 63rd and 64th Streets, in the Borough of Brooklyn, Shall Cross Companies Tracks—Hearing Order Adopted

The Secretary presented:

1. Resolution of Board of Estimate & Apportionment of The City of New York, dated January 5, 1923, establishing lines and grades of 6th Avenue between 63rd and 64th Streets, in the Borough of Brooklyn.

2. Resolution of Board of Estimate & Apportionment of The City of New York, dated January 5, 1923, making application to the Commission for a determination as to the manner by which 6th Avenue between 63rd and 64th Streets, in the Borough of Brooklyn, should be carried across the tracks of said railroad companies.

The Commission adopted and ordered filed an Order in Case No. 2670, directing that a hearing be held on said application before George L. Lucas, Acting Chief Executive Officer, therein duly designated to conduct same, upon a date to be fixed and determined by him.

94—Case 2671

**Nassau Bus Line, Inc.—Application for Certificate of Convenience and Necessity
—Hearing Order Adopted**

The Secretary presented a communication from the Nassau Bus Line, Inc., dated January 20, 1923, applying for a certificate of convenience and necessity to operate motor buses for the transportation of passengers in Far Rockaway, Borough of Queens.

The Commission adopted and ordered filed an Order in Case No. 2671, directing that a hearing on said application be held by and before the Commission on February 6, 1923 at 10:30 a. m.

95—Case 1901

**The Long Island Railroad Company—Application of J. and T. Adikes for
Establishment of Side Track at Jamaica—Report and Opinion by Chief
Executive Officer Approved—Order Abrogating Previous Orders Adopted**

The Secretary presented a report and opinion, dated January 18, 1923, by Lincoln C. Andrews, Chief Executive Officer, duly designated to conduct the hearing herein, recommending for the reasons therein stated that the Order of the Public Service Commission for the First District herein, dated January 27, 1916, and of this Commission, dated April 25, 1922, be abrogated.

The Commission approved and ordered filed the said report and opinion of the Chief Executive Officer and adopted and ordered filed an Order in Case No. 1901, embodying the recommendations therein contained.

96—Case 2665

**The Long Island Railroad Company—Grade Crossing Old Flushing—Report
and Opinion by Chief Executive Officer Approved—Final Order Adopted**

The Secretary presented a report and opinion, dated January 18, 1923, by Lincoln C. Andrews, Chief Executive Officer, duly designated to conduct the hearing herein, recommending for the reasons and upon the conditions therein stated that The Long Island Railroad Company be authorized to close and discontinue the existing grade crossing at Old Flushing Avenue, at Maspeth, Borough of Queens.

The Commission approved and ordered filed the report and opinion of the Chief Executive Officer and adopted and ordered filed an Order in Case No. 2665, embodying the recommendations therein contained.

97—Cases 2182, 2218, 2306, 2662

**Interborough Rapid Transit Company—Plan of Readjustment—Acceptance of
Nomination Filed**

The Secretary presented a communication, dated January 11, 1923, from W. W. Niles, accepting nomination as director of the Interborough Rapid Transit Company, pursuant to its Plan of Readjustment, for a term ending September, 1924.

The Commission ordered the communication filed.

98—R. T. 6626

Eighth Avenue—162nd Street Connection—Notice by Chief Engineer of Commencement of Work for Construction of Entrance to Anderson-Jerome Avenue Station—Filed

A notice by the Chief Engineer dated January 18, 1923, of the commencement of work by the Interborough Rapid Transit Company on January 3, 1923, for the construction of an additional entrance on the west side of Jerome Avenue to the Anderson-Jerome Avenue Station of the Eighth Avenue-162nd Street Connection, was ordered filed.

99—R. T. 7589

Contract No. 3—Notice by Chief Engineer of Commencement of Work for Construction of Foundations for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Filed

A notice by the Chief Engineer dated January 19, 1923, advising of the commencement of work by the Rosenthal Engineering & Contracting Company on January 8, 1923, for the construction of foundations for third addition to shops at Lenox Avenue and 148th Street Yard, was ordered filed.

100—R. T. 6892

Route No. 8, Section No. 2—Consents of Contractor and Sureties to Resolution Extending Time to October 31, 1922 Within Which to Complete Work—Filed

Consents of Patrick McGovern Inc. and the sureties upon the bond deposited by the contractor to the resolution of the Commission extending the time of the contractor to and including October 31, 1922, within which to complete work under the contract for the completion of Section No. 2 of Route No. 8 of the Fourteenth Street-Eastern Line, were ordered filed.

101—R. T. 6699, 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Transmitting Copy of Contract for Furnishing and Installing Escalator at Park Place Station—Filed

A communication dated January 16, 1923, from the Interborough Rapid Transit Company by H. M. Fisher, Secretary, transmitting a copy of a contract dated December 13, 1922, with the Otis Elevator Company for furnishing and installing one reversible cleat step type escalator at the Park Place Station of the Seventh Avenue Line, was ordered filed.

102—R. T. 7216

Rapid Transit Railroads—Statement by Auditor as to Results of Sale at Public Auction of Surplus Rapid Transit Real Estate—Receipt From Department of Finance for Checks in Sum of \$34,765—Filed

The following statement by the Auditor dated January 17, 1923, was ordered filed:

**PUBLIC AUCTION SALE OF SURPLUS REAL ESTATE
HELD IN THE
HEARING ROOM OF THE TRANSIT COMMISSION
49 Lafayette St., New York City.**

TUESDAY, JANUARY 16th 1923, at 12 o'clock noon.

**By Shuter,
Auctioneer,
189 Montague St.,
Bklyn., N. Y.**

Plot No.	Location	Upset Price	10% of Upset Price	Sale Price	10% of Excess over Upset Price	Auctioneer's Fee	Sold to (Name of Purchaser)
I	S. W. cor. of Wm. & Beekman Sts., Manhattan	\$185,000.00	.....	.....	.....	.....	Not Sold
II	W. side Centre St. bet. Canal & Howard Sts., Man.	148,750.00	\$14,875.00	\$148,750.00	.....	\$743.75	Herbert Fisher, Arthur Ave., Bronx.
III	W. side Centre St. bet. Canal & Walker Sts. Man.	80,000.00	8,000.00	86,100.00	\$610.00	861.00	Louis Ullman, 312 E. 96th St., N. Y.
IV	S. W. cor. of Fulton St. & St. Felix St., Bklyn.	100,000.00	.....	.....	.....	.....	Not Sold
V	S. of Park at Foot of Clark St., Col. Hgts. to Furman St., Bklyn.	12,500.00	1,250.00	12,500.00	.....	125.00	Frank W. Struvy, 180 St. Johns Pl., Bklyn.
VI	N. side of E. 138th St. bet. Jackson Ave. & So. Blvd., Bronx.	27,000.00	2,700.00	27,000.00	.....	270.00	David Vogel, 198 Broadway, N. Y.
VII	S. W. cor. of E. 138th St. & Mott Ave., Bronx	38,000.00	3,800.00	50,300.00	1,230.00	503.00	J. W. Page or Assigns, 30 E. 42d St., N. Y.
VIII	Bet. Walton & Gerard Aves., 105 ft. N. of E. 146th St., Bronx..	22,750.00	2,300.00	22,750.00	.....	227.50	John A. McCarthy, 149th St. & Harlem River, Bronx.
				\$32,925.00	\$347,400.00	\$1,840.00	\$2,730.25

The following receipt was ordered filed:

CHARLES L. CRAIG,
Comptroller

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
Auditor of Receipts

January 20, 1923.

Received from Transit Commission checks as follows:

(1) Fourteen thousand eight hundred seventy-five 00/100 Dollars	\$14,875.00	
(2) Eight thousand six hundred ten 00/100 Dollars	8,610.00	
(3) One thousand two hundred fifty 00/100 Dollars	1,250.00	
(4) Two thousand seven hundred 00/100 Dollars	2,700.00	
(5) Five thousand and thirty 00/100 Dollars (cash)	5,030.00	
(6) Two thousand three hundred 00/100 Dollars	2,300.00	
		\$34,765.00

Particulars:

- (1) Payment received 10% upon the sale to Herbert Fisher at \$148,750.00 of Plot No. II—westerly side of Centre St., between Canal and Howard Sts., Manhattan.
- (2) Payment received 10% upon the sale to Louis Ullman at \$86,100.00 of Plot No. III—westerly side of Centre St., between Canal and Walker Sts., Manhattan.
- (3) Payment received 10% upon the sale to Frank W. Struvy at \$12,500 of Plot No. V—south side of Park at foot of Clark St., Columbia Heights to Furman St., Brooklyn.
- (4) Payment received 10% upon the sale to David Vogel at \$27,000.00 of Plot No. VI—northerly side of East 138th St., between Jackson Avenue and So. Blvd., Bronx.
- (5) Payment received 10% upon the sale to J. W. Page or Assigns at \$50,300.00 of Plot VII—southwesterly corner of East 138th St., and Mott Ave., Bronx.
- (6) Payment received 10% upon the sale to John A. McCarthy at \$22,750.00 of Plot No. VIII—between Walton and Gerard Aves., 105 ft. north of East 146th St., Bronx.

For Comptroller,
H. H. RATHYEN,
Auditor of Receipts.

103

Equipment—Certified Copy of Resolution of Commissioners of Sinking Fund Turning Over One Ford Truck to Department of Public Welfare—Filed

The following certified copy of the resolution adopted by the Commissioners of the Sinking Fund on January 18, 1923, was ordered filed:

Resolved, That, pursuant to the provisions of section 205 of the Greater New York Charter, as amended, the Commissioners of the Sinking Fund hereby assigns the following described property turned over to it by certain departments and offices as no longer required by them:

From Transit Commission to Department of Public Welfare—One (1) Ford truck with express body, engine No. 3069141.

104

Contracts and Agreements—Proposed Agreement With M. B. Brown Printing and Binding Company for the Year 1923—Approval Resolution

The following resolution was adopted:

Whereas, The Transit Commission called for bids to be submitted for printing its Construction Contracts and Agreements for the year 1923; and

Whereas, Such bids were opened on January 19, 1923, and the bid of M. B. Brown Printing & Binding Co. was found to be most favorable, it is therefore

Resolved, That the bid of M. B. Brown Printing & Binding Co. be and the same hereby is accepted and that a contract be made with M. B. Brown Printing & Binding Co. for printing the Transit Commission's Construction Contracts and Agreements for

the year 1923 at the prices submitted by said M. B. Brown Printing & Binding Co. in said bid and that the Chairman and Secretary of this Commission be and they hereby are authorized and directed to execute and deliver said contract for and on behalf of this Commission.

105

Employees' Resolution No. 125

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved. That this Commission takes the following action with reference to employees:

Appointments—James Bousfield, draftsman, at \$150.08 per month, to take effect January 21, 1923; Francis M. Carman, draftsman, at \$150.08 per month, to take effect February 1, 1923; Louis Chesir, draftsman, at \$150.08 per month, to take effect January 21, 1923; George A. Coy, draftsman, at \$150.08 per month, to take effect January 21, 1923; Roy K. Diamond, draftsman, at \$150.08 per month, to take effect January 22, 1923; C. John Judge, draftsman, at \$150.08 per month, to take effect January 21, 1923; Carl A. Monniche, draftsman, at \$150.08 per month, to take effect January 21, 1923; Irving Munves, draftsman, at \$150.08 per month, to take effect January 21, 1923; Nathan Raboy, draftsman, at \$150.08 per month, to take effect January 21, 1923; Louis Steinwolf, draftsman, at \$150.08 per month, to take effect January 22, 1923; Jones A. Stewart, draftsman, at \$150.08 per month, to take effect January 21, 1923; Jacob Sumter, draftsman, at \$150.08 per month, to take effect January 21, 1923; Ira B. Thomson, draftsman, at \$150.08 per month, to take effect January 21, 1923.

Appointments (Exempt)—George F. Daggett, chief of transit bureau, at \$541.66 per month, to take effect January 24, 1923; Lillian Keller, secretary to chairman, at \$300.00 per month, to take effect January 24, 1923.

Appointments Under Rule VIII:4—William H. Eberhardt, junior assistant, at \$125.08 per month, to take effect January 22, 1923; Lee P. Fox, junior assistant, at \$125.08 per month, to take effect January 22, 1923.

Appointment Under Rule V:4—Simon Salvesen, machinist, at \$125.00 per month, to take effect January 22, 1923.

Transferred From State Commission of Highways—Herman Ginsberg, junior assistant, at \$125.08 per month, to take effect January 16, 1923.

Resignations (Exempt)—George F. Daggett, secretary to chairman, at \$350.00 per month, to take effect January 23, 1923; Lillian Keller, assistant secretary, at \$250.00 per month, to take effect January 23, 1923.

Resignations—Jacob Aisenberg, junior engineer, at \$175.00 per month, to take effect January 31, 1923; Edward Gould, draftsman, at \$150.08 per month, to take effect January 18, 1923; John P. Kivlen, Jr., junior assistant, at \$125.00 per month, to take effect January 15, 1923; Frank Murphy, clerk, at \$70.00 per month, to take effect January 29, 1923; Anthony F. Pessolano, draftsman, at \$150.08 per month, to take effect January 26, 1923; Louis Tarnopoll, draftsman, at 150.08 per month, to take effect January 20, 1923.

Termination of Appointments under Rule VIII:4—Louis Chesir, draftsman, at \$150.08 per month, to take effect January 20, 1923; C. John Judge, draftsman, at \$150.08 per month, to take effect January 20, 1923; George H. Lesley, draftsman, at \$150.08 per month, to take effect January 26, 1923; Irving Munves, draftsman, at \$150.08 per month, to take effect January 20, 1923; Nathan Raboy, draftsman, at \$150.08 per month, to take effect January 20, 1923; Jones A. Stewart, draftsman, at \$150.08 per month, to take effect January 20, 1923; Jacob Sumter, draftsman, at \$150.08 per month, to take effect January 20, 1923; Samuel Weisman, draftsman, at \$150.08 per month, to take effect January 26, 1923.

Termination of Appointments under Rule VIII:9—James Bousfield, draftsman, at \$150.08 per month, to take effect January 20, 1923; George A. Coy, draftsman, at \$150.08 per month, to take effect January 20, 1923; Carl A. Monniche, draftsman, at \$150.08 per month, to take effect January 20, 1923; Ira B. Thomson, draftsman, at \$150.08 per month, to take effect January 20, 1923.

Voucher Schedule No. 4

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos. 83-114, open market orders, \$4,815.63; Vouchers Nos. 44-48; 51-63, miscellaneous bills, \$1,535.92; Vouchers Nos. 2 and 3, Special Payroll, \$1,950.00;

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 17; Interborough Rapid Transit Company; approximate estimate No. 2 for remedying the leaky condition of the mezzanine roofs of eight stations on the Jerome Avenue and five stations on the White Plains Road lines, from September 1, 1922 to November 30, 1922 (R.T. 7494) \$5,463.27;

Voucher No. 18; Frederick L. Cranford, Inc., approximate estimate No. 6, for the reconstruction of a part of Section No. 3 of Route No. 33—completion of Lawrence Street station, from December 1, 1922 to December 31, 1922 (R.T. 7454) \$13,881.49;

Voucher No. 19; Ramapo Iron Works; approximate estimate No. 3 for the supply of special work, Order No. 21, for use in the construction of 14th Street-Eastern and Broadway-Fourth Avenue lines. Routes Nos. 8, 4 and 36, from December 15, 1922 to January 15, 1923 (R.T. 7505) \$11,792.70;

Voucher No. 20; Charles H. Brown & Son, Corporation, Assignee; approximate estimate No. 11 for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8 of the Fourteenth Street-Eastern Rapid Transit Railroad, from December 16, 1922 to January 15, 1923 (R.T. 7539) \$2,324.65;

Voucher No. 21; John C. Orr Company; approximate estimate No. 22 for storing, insuring and transporting ties and timber for the rapid transit railroad, from November 1, 1922 to December 31, 1922 (R.T. 6881) \$59.36;

Voucher No. 22; Jacob Schlesinger, Inc., approximate estimate No. 6 for the construction of a second addition to shops at Lenox Avenue and 148th Street Yard, under Contract No. 3, from December 16, 1922 to January 15, 1923 (R.T. 7368) \$10,637.48.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, January 25, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

107—R. T. 7419

Contracts Nos. 3 and 4—Receipt of Bids for Completion of Built-in Newsstand Enclosures at Stations—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the completion of built-in newsstand enclosures at stations of Rapid Transit Railroads had elapsed at 11:30 A.M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received.

The Secretary presented the proper affidavits of publication and opened the box and read the two bids received. The bids were then referred to the Chief Engineer.

108—R. T. 7635

Agreement "CE"—Receipt of Bids for Making Alterations in Subway Structure at Various Locations to Permit Widening of Streets, Borough of Manhattan—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for making alterations in subway structure at various locations in the Broadway-Fourth Avenue Rapid Transit Railroad, so as to permit widening of certain streets in the Borough of Manhattan, had elapsed at 11.30 A.M., and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received.

The Secretary presented the proper affidavits of publication and opened the box and read the three bids received. The bids were then referred to the Chief Engineer.

109

Hearing

The following hearing was held:

10:30 A.M.: Case No. 2668; Brooklyn City Railroad Company; application for approval of declaration of abandonment of portion of route on Furman Street between Fulton St. and Atlantic Avenue. George L. Lucas, Acting Chief Executive Officer, presided. Adjourned to January 26, 1923, at 10:30 A.M.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, January 26, 1923

110

Hearing

The following hearing was held:

10:30 A.M.: Case No. 2668; Brooklyn City Railroad Company; application for approval of declaration of abandonment of portion of route on Furman Street between Fulton Street and Atlantic Avenue. George L. Lucas, Acting Chief Executive Officer, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, January 30, 1923

Presents: George McAneny, Chairman; LeRoy T. Harkness, and John F. O'Ryan Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

111—R. T. 7635

Agreement "CE"—Resolution Authorizing Release of Checks to All But Lowest and Next to Lowest of Bidders for Alterations in Subway Structure to Permit Widening of Streets—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on January 25, 1923, for making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad structure at various locations to permit widening of streets, Borough of Manhattan, Agreement "CE," the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of Three hundred (\$300) dollars each, deposited with their bids.

112—R. T. 7635

Agreement "CE"—Report by Chief Engineer As to Receipt of Bids for Alterations in Structures of Broadway-Fourth Avenue Rapid Transit Railroad So As to Permit Widening of Certain Streets in Borough of Manhattan and Recommendation for Award of Contract to Benedetto & Saussez at Bid Price of \$8,959.00—Approval Resolution—Requisition Upon Board of Estimate and Apportionment for Appropriation of \$10,000

The following report was approved:

January 29, 1923.

TO: TRANSIT COMMISSION:

Award of Contract for work under Agreement "CE," to Benedetto & Saussez.

On January 25, 1923 the following bids were received for work under Agreement "CE," making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad structures at various locations to permit widening of streets, Borough of Manhattan. The locations of these alterations are as follows: 57th street and Seventh avenue, 52d street and Seventh avenue, 25th street and Broadway, and Canal street between Mulberry street and the Bowery.

Name	Amount
Benedetto & Saussez.....	\$ 8,959.00
Ed. Balaban.....	10,670.00
Hamme & Jackson, Inc.....	18,465.00

Our estimate for this work amounted to \$15,000. This work is to be done by the Commission and the cost thereof taken from an appropriation of \$17,450 made by the Board of Estimate and Apportionment on July 19, 1922 "to be used for emergency alteration to manholes, cable feed pipes, vault lights and emergency exits in subway structures interfered with by the widening of streets under the jurisdiction of the President, Borough of Manhattan."

Benedetto & Saussez, the lowest bidder, has not previously done any work for the Commission but has done work for other City departments as individuals. The architect for the Department of Public Welfare says that he considers Mr. Benedetto, who was a contractor for him, a good honest contractor although slow in his work. Mr. Byrne, Chief Engineer of Department of Plant & Structures for whom Mr. Saussez had installed a concrete floor on part of the Williamsburg Bridge said that he considered Mr. Saussez an able contractor who did satisfactory work. The bid prices of Benedetto & Saussez are considerably lower than our estimates; however, it seems to me advisable that the contract should be awarded to this bidder.

Attached I send you herewith copy of minutes of a conference held in my office on January 26, 1923 with Messrs. Benedetto and Saussez, and also a copy of their financial statement. There is also transmitted herewith twelve (12) prints of summation of bids.

In addition to the work contained in the schedule on which bids were received, work has to be done at cost plus 15% under Item 150 of the contract for repairing station finish work due to disturbance of a small part of the interior of stations on account of changes in the structure. The accurate cost of this work cannot be estimated at the present time, but it is thought that \$1,000 will cover it and this amount should

be added to the amount of the low bidder when making the request for appropriation from the Board of Estimate and Apportionment.

Recommendation: From an engineering standpoint I respectfully recommend that, contract for work under Agreement "CE," making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad structures at various locations to permit widening of streets, Borough of Manhattan, be awarded to the low bidder, Benedetto & Saussez at its bid figure of \$8,959 and that a requisition be made on the Board of Estimate and Apportionment for consent to said proposed contract and the utilization of \$10,000 of the appropriation of \$17,450 made by the Board of Estimate and Apportionment on July 19, 1922 aforesaid.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment by resolution adopted on July 19, 1922 appropriated the sum of \$17,450 to be used for "necessary alterations to manholes, cable feeder pipes, vault lights and emergency exits in subway structure interfered with by the widening of streets, under the jurisdiction of the President of the Borough of Manhattan, the cost of such portions of the proposed work as are performed by the operating companies (under the supervision of the Transit Commission) to be expended by the Borough President upon vouchers to be prepared by the Transit Commission"; and

Whereas, The form of the proposed contract (Agreement "CE") for the making of alterations in the Broadway-Fourth Avenue Rapid Transit Railroad structure at various locations to permit of the widening of streets in the Borough of Manhattan was finally adopted on January 9, 1923 and subsequent to advertisement duly made bids respectively totalling as follows were received on January 25, 1923, as follows:

Benedetto & Saussez.....	\$ 8,959.00
Ed. Balaban.....	10,670.00
Hamme & Jackson, Inc.....	18,465.00

; and

Whereas, The Chief Engineer of this Commission, by communication dated January 29, 1923 has reported that the amount of said low bid is reasonable and that the said Benedetto & Saussez are financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to them and the making of a requisition upon the Board of Estimate and Apportionment for the allocation of the sum of \$10,000 from the said appropriation made on July 19, 1922 aforesaid for the purposes of meeting the obligations of the City under said proposed contract.

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby are approved; that the bid of Benedetto & Saussez be and the same hereby is accepted and that said proposed contract be and hereby is awarded to said Benedetto & Saussez subject to its being consented to in form and substance as required by law and that said proposed contract, together with requisition in form now presented by Counsel for the consent of said Board and the allocation of the sum of \$10,000 from said appropriation of July 10, 1922 be transmitted to the said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

January 30, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

By resolution adopted on July 19, 1922 (Cal. No. 635) your Honorable Board appropriated the sum of Seventeen thousand four hundred and fifty (\$17,450) Dollars to be used for "necessary alterations to manholes, cable feeder pipes, vault lights and emergency exits in subway structures interfered with by the widening of streets, under the jurisdiction of the President of the Borough of Manhattan, the cost of such portions of the proposed work as are performed by the operating companies (under supervision of the Transit Commission) to be expended by the Borough President upon vouchers to be prepared by the Transit Commission."

In accordance with the established practice, the Commission, where work involved

in making such changes does not enter directly on or interfere with the operation of trains, has prepared and advertised a proposed contract, bids for which were received on January 25, 1923 as follows:

Benedetto & Saussez.....	\$ 8,959 00
Ed. Ballaban.....	10,670 00
Hamme & Jackson, Inc.....	18,465 00

The Transit Commission accordingly, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board as required by law a proposed contract (Agreement "CE") to be entered into between The City of New York, acting by the Transit Commission and Benedetto & Saussez for the making of alterations in the Broadway-Fourth Avenue Rapid Transit Railroad structure at various locations to permit of the widening of streets in the Borough of Manhattan, together with a requisition upon your Honorable Board for the allocation of the sum of Ten thousand (\$10,000) Dollars for the purposes of said contract from the resolution of July 19, 1922 adopted as aforesaid.

The Chief Engineer of this Commission in a communication dated January 29, 1923 reports that the bid of Benedetto & Saussez, the low bidder is reasonable and that the said firm is competent and financially capable of carrying out the said provisions of said contract and the Transit Commission has accepted said bid and awarded the said proposed contract to the said Benedetto & Saussez, subject to its being approved and consented to in form and substance as required by law.

Your Honorable Board is therefore requested to consent to said proposed contract herewith transmitted and to allocate and set aside for the purposes of meeting the City's obligations thereunder, the sum of Ten thousand (\$10,000) Dollars from the appropriation of Seventeen thousand, four hundred and fifty (\$17,450) Dollars made pursuant to the resolution of July 19, 1922, aforesaid.

The requisition hereby made is slightly in excess of the amount of the low bid for the reasons stated by the Chief Engineer in his report of January 29, 1923, as follows:

"In addition to the work contained in the schedule on which bids were received, work has to be done at cost plus 15% under item 150 of the contract for repairing station finish work due to disturbance of a small part of the interior of stations on account of changes in the structure. The accurate cost of this work cannot be estimated at the present time, but it is thought that \$1,000 will cover it and this amount should be added to the amount of the low bidder when making the request for appropriation from the Board of Estimate and Apportionment."

TRANSIT COMMISSION
By GEORGE MCANENY,
Chairman.

113—R. T. 7419

Contracts Nos. 3 and 4—Report by Chief Engineer As to Receipt of Bids for Completion of Built-in Newsstand Enclosures at Stations and Recommendation for Award of Contract to Fox, Reynolds Co. Inc. at Bid Price of \$52,316.50—Approval Resolution—Requisition Upon Board of Estimate and Apportionment

The following report was approved:

January 29, 1923.

To: TRANSIT COMMISSION.

Award of Contract for Completion of Newsstand Enclosures, Contracts Nos. 3 and 4, to Fox, Reynolds Co. Inc.

On January 25, 1923 the following bids were received for Completion of Newsstand Enclosures on Contracts Nos. 3 and 4:

Name	Amount
Fox, Reynolds Co. Inc.....	\$52,316 50
Chas. H. Brown & Son Corp.....	53,799 00

Our estimate for this work amounted to \$53,553.

Bids for this work were opened on January 4, 1923 but due to a mistake made in the bid by the lowest bidder this contract was readvertised at its expense. This contract was also advertised once before and awarded by the Commission to Charles Meads & Co. on June 21, 1922 and subsequently rejected by the Board of Estimate and Apportionment by resolution of November 10, 1922.

The present bids are reasonable and very close to our estimate. The lowest bidder, Fox, Reynolds Co., Inc., has not previously done any work for the Corporation. Henry E. Fox, one of the members of this Commission, had charge of the subway work for the U. S. Realty Co. in finishing up its contract for subway, Route 4 & 36, Section 2 of the Municipal Broadway subway and on Route 4 & 38, Sections 4 and 5 of the I. R. T. Seventh Avenue subway. Mr. Fox has done considerable work for other City Departments. He had a contract for the Board of Water Supply and the Chief Engineer of that Department says he completed the contract but was very slow in his work. Mr. Fox also had a contract for the Department of Water Supply, Gas & Electricity under the name of Henry E. Fox Constr. Co., which work was not done to the satisfaction of that Department and Henry E. Fox Constr. Co. was declared in default. In 1916, Mr. Fox had a contract in connection with the 59th Street power plant for the Interborough Company. The Engineers of that Company advise me that while he was very slow in carrying out the work he completed the job satisfactorily notwithstanding the great difficulties encountered, conditions due to the war, and in spite of the probability, as stated by the engineers, that he lost money on his contract.

Attached I send you copy of minutes of a conference held in my office on January 26, 1923 with Mr. Henry E. Fox, representing the lowest bidder and also copy of a financial statement. I also transmit twelve (12) prints of summation of bids.

Everything considered, I believe it advisable that the contract should be awarded to this Corporation.

Recommendation: From an engineering standpoint I respectfully recommend that contract for Completion of Newsstand Enclosures, Contracts Nos. 3 and 4, be awarded to the lowest bidder, Fox, Reynolds, Co., Inc., at its bid figure of \$52,316.50 and that a requisition be made on the Board of Estimate and Apportionment for the appropriation of this amount, of which \$37,683 should be charged to Contract No. 3 and \$14,633.50 should be charged to Contract No. 4.

ROBT. RINGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the completion of built-in newsstand enclosures at stations of municipal rapid transit railroads (under Contracts Nos. 3 and 4) was finally adopted on May 23, 1922; and

Whereas, By resolution adopted on November 10, 1922, the Board of Estimate and Apportionment denied the request of this Commission for its consent and approval to the award of said proposed contract to the Charles Meads & Company, of the bids received for said proposed contract on June 9, 1922, which bids were thereafter rejected by resolution of this Commission on December 12, 1922, which resolution directed that the invitation of said proposed contract as adopted aforesaid be re-advertised; and

Whereas, The bids received on January 4, 1923, were all rejected by resolution of this Commission adopted January 9, 1923, whereby the cost of subsequent advertising is to be charged to and deducted from the certified check of \$500 deposited as in said resolution set forth; and

Whereas, Pursuant to readvertisement of the Invitation to Contractors forming part of the proposed contract adopted on May 23, 1922 as aforesaid the following bids, respectively totalling as follows, were received on January 25, 1923:

Name	Amount
Fox, Reynolds Co., Inc.	\$52,316.50
Chas. H. Brown & Son, Corp.	53,799.00

; and

Whereas, The Chief Engineer of this Commission, by communication dated January 29, 1923, has reported that the amount of said low bid is reasonable and that the said Fox, Reynolds Co., Inc., is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment in the sum of \$52,316.50, \$37,683 thereof being charged as a sub-requisition under Contract No. 3 and \$14,633.50 being charged as a sub-requisition under Contract No. 4, said sum being the amount estimated to be necessary to carry out said proposed contract on the part of the City.

Resolved, That the said report and recommendation be and the same hereby is

approved; that the bid of Fox, Reynolds Co., Inc., be and the same hereby is accepted and the said proposed contract for the completion of built-in newsstand enclosures at stations of municipal rapid transit railroads (Contracts Nos. 3 and 4) be and the same hereby is awarded to the said Fox-Reynolds Co., Inc., subject to its being consented to in form and substance as required by law, and that said requisition for the consent of said board and the appropriation of the sum of \$52,316.50 estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

January 30, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

By resolution (Cal. No. 181) adopted by your Honorable Board on November 10, 1922, the application of the Transit Commission for the consent of your Honorable Board to the award to the Charles Meads & Company of the proposed contract for the completion of built-in newsstand enclosures at stations of municipal rapid transit railroads (under Contracts Nos. 3 and 4) at an estimated cost of Fifty-six thousand two hundred nineteen dollars (\$56,219) was denied.

The Transit Commission subsequently readvertised said contract and received bids therefor on January 4, 1923. The low bid received on such opening was obviously based upon error and the low bidder subsequently, by communication, requested the permission to withdraw the same and agreeing to pay for the cost of the readvertising. The Commission, believing that the financial interests of the City would be best served by such action, rejected all bids and directed the retention of the bid check for Five hundred dollars (\$500) of the low bidder, who made the error and that the cost of such readvertising be charged to and deducted therefrom.

The Transit Commission thereupon readvertised said proposed contract and received bids on January 25, 1923, respectively totalling as follows:

Name	Amount
Fox, Reynolds Co., Inc.	\$52,316.50
Chas. H. Brown & Son Corp.....	53,799.00

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Fox, Reynolds Co., Inc., for the completion of newsstand enclosures at stations of municipal rapid transit railroads under Contracts Nos. 3 and 4, together with a requisition upon your Honorable Board for the appropriation of the sum of Fifty-two thousand three hundred sixteen dollars and fifty cents (\$52,316.50), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

The Chief Engineer of this Commission, in a communication dated January 29, 1923, reports that the bid of Fox, Reynolds Co., Inc., the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the Fox, Reynolds Co., Inc., subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Fifty-two thousand three hundred sixteen dollars and fifty cents (\$52,316.50) and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund of said City may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Fifty-two thousand three hundred sixteen dollars and fifty cents (\$52,316.50).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount estimated to be necessary to pay the expense to the City of carrying out said proposed contract.

This requisition, to the extent of Thirty-seven thousand six hundred eighty-three dollars (\$37,683) is a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out the contract dated March 19, 1913, known as Contract No. 3, and the appropriations made therefor by your Honorable Board and to the extent of Fourteen thousand six hundred thirty-three dollars and fifty cents (\$14,633.50) is a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out the contract dated March 19, 1913, known as Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

114—R. T. 7570

Route No. 5—Proposed Agreement with Interborough Rapid Transit Company for Changes in Lavatory Facilities at 138th Street and Third Avenue and 149th Street and Mott Avenue Station—Approval Resolution—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment of the City of New York, by resolution adopted July 19, 1922, consented to the performance of the work of making changes in the lavatories at the 138th Street and Third Avenue and 149th Street and Mott Avenue Stations of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad by the Lessee as an Addition under the provisions of Contract No. 3 and appropriated the sum of \$210 to meet the obligations of the City in the performance of such work, such resolution and approval being subject "to the submission by the said Transit Commission of a proper agreement for the proposed work"; and

Whereas, Counsel has prepared a proposed agreement which has been approved generally by the Corporation Counsel and by the Lessee and which, if adopted, will effect the desires of the Board of Estimate and Apportionment with respect to the performance of work of making Additions to Construction by the Lessee under and in accordance with the provisions of Contract No. 3.

Resolved, That the said proposed agreement be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment for the consent and approval of said Board thereto.

The Communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

January 30, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board, by resolution adopted on July 19, 1922, Cal. 629, approved "subject to the submission by the said Transit Commission of a proper agreement for the proposed work * * *", the performance of the work of making certain changes at the 138th Street and Third Avenue Station and at the 149th Street and Mott Avenue Station of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad and authorized the Comptroller to issue corporate stock of the City of New York to an amount not exceeding Two hundred and ten Dollars (\$210), to meet the obligations of the City in carrying out said work under and in accordance with the provisions of the contract dated March 19, 1913, known as Contract No. 3.

Accordingly the Transit Commission has, through its Counsel, prepared what is proposed to be established as a standard form of agreement for the performance of work of constructing Additions to Construction wherein, in accordance with the discretion invested in the Commission, the Lessee under Contract No. 3 is directed to perform the work. As most of the changes falling within the category of Additions will involve interference with the operation of the railroad, such a form of agreement will probably be used with greater frequency than contracts let to outsiders after public hearing. The said proposed agreement has been examined and approved generally by the Corporation Counsel and by the Lessee under Contract No. 3.

The said proposed agreement has accordingly been adopted to provide for the performance of the work of constructing the changes in the lavatories of the 138th Street and Third Avenue and 149th Street and Mott Avenue Stations of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the railroad described in Contract No. 3, which is the work consented to by your Honorable Board by resolution of July 19, 1922 as aforesaid.

Said proposed agreement is transmitted herewith and your Honorable Board is requested to consent thereto.

It is proposed, if favorable action is taken thereon by your Honorable Board, to submit the proposed agreement to the Corporation Counsel for his indorsement, approving the said proposed agreement as to form.

TRANSIT COMMISSION
GEORGE McANENY,
Chairman.

115—R. T. 7520

Route No. 31—Report by Chief Engineer Recommending Request for Additional Appropriation of \$15,000 for Completion of Contract for Construction of Inspection Shed Enclosure at Livonia Avenue Yard—Approval Resolution—Requisition Upon Board of Estimate and Apportionment

A report by the Chief Engineer dated January 22, 1923, recommending that a requisition be made on the Board of Estimate and Apportionment for an additional appropriation of \$15,000 to complete work under the contract with Rosenthal Engineering Contracting Corporation for the construction of an enclosure to the inspection shed at the Livonia Avenue Yard, was presented.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission has by communication dated January 22, 1923, reported with respect to the appropriation made for the purpose of carrying out the Contract between The City of New York, acting by this Commission and Rosenthal Engineering Contracting Corporation, for the construction of Inspection Shed Enclosure for the Eastern Parkway Rapid Transit Railroad, Route No. 31 (Livonia Avenue Yard) and as to the necessity of an additional appropriation therefor of \$15,000 as more particularly indicated in said communication and report; and

Whereas, Counsel has prepared a communication and requisition to the Board of Estimate and Apportionment which if adopted will effect the said recommendation of the Chief Engineer.

Resolved, That the said report and recommendation and communication now submitted be and the same hereby are approved and that the said communication be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

January 30, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT,
Municipal Building,
New York, N. Y.

Gentlemen:

Your Honorable Board by Resolution adopted on February 3, 1922 (Cal. No. 72), consented to a proposed contract between The City of New York, acting by the Transit Commission and Rosenthal Engineering Contracting Company for the construction of Inspection Shed Enclosure for the Eastern Parkway Rapid Transit Railroad, Route No. 31, (Livonia Avenue Yard) and appropriated for the purposes of meeting the City's obligations under said contract the sum of \$180,003.16, making said appropriation a charge against the general appropriation heretofore made by your Honorable Board for the purpose of carrying out the Contract dated March 19, 1913, known as Contract No. 3.

The Chief Engineer of this Commission in a communication dated January 22, 1923,

has reported with respect to the work under said contract and the appropriation so made as follows:

"In the construction of the Inspection Shed Enclosure, Livonia Avenue Yard, it has been found necessary to perform certain additional construction and to make certain changes in design that has increased the amount of work above that indicated in the Contractor's proposal. We have prepared an approximate final estimate of the work performed or to be completed under the contract, from which it appears that, due to the additional work and changes in design and to a slight net increase in the value of the work under the schedule items of the contract an additional appropriation will be necessary.

The increase as shown by the approximate final estimate is as follows:

Summary of Approximate Final Estimate:	
Work under Schedule Items	\$187,500.00
Work under Item 150 and Supplementary Items.....	3,600.00
Total	\$191,100.00
Appropriation	180,003.16
Increase of Approximate Estimate over Appropriation.....	11,096.84

When the additional construction and changes in design above referred to were authorized, it was considered that the increase in cost resulting therefrom would be covered by decreases in the quantities of work given in the Contractor's proposal and therefore, no additional appropriation was requested at the time. It appears, however, that there will be a slight net increase in the value of the work covered by the schedule items.

The additional work for which no appropriation has been made consists of (1) the floor construction originally included in the track installation contract which it was necessary to perform under this contract due to the fact that the approval of the track installation contract was delayed, thus preventing the prosecution of the work under the two contracts in the intended sequence, (2), the substitution of 8" brick walls for 4" hollow terra cotta tile walls and, (3), work performed under Item 150 and supplementary schedule items.

As the above estimate is approximate and subject to change and as the work is not yet completed and some of the questions as to payment have not been finally determined, it would seem advisable to request a sum somewhat greater than is indicated.

Recommendation: I would, therefore, recommend that a request be made of the Board of Estimate & Apportionment for an additional appropriation in the amount of \$15,000 to cover the cost of construction under the above contract."

The Transit Commission has approved said report and recommendation and accordingly hereby requests your Honorable Board to appropriate the additional sum of \$15,000 for the purposes of said work, approved as aforesaid and that said additional sum of \$15,000 be charged as sub-requisition against the appropriations heretofore made for the purpose of carrying out said Contract No 3.

TRANSIT COMMISSION,
GEORGE McANENY,
Chairman.

116—R. T. 7476

Agreement "BH"—Report by Chief Engineer Recommending Request Be Made for Additional Appropriation of \$1,979.50 under Contract for Miscellaneous Construction and Station Finish—Approval Resolution—Communication to Board of Estimate and Apportionment

A report by the Chief Engineer, dated January 26, 1923, recommending that a requisition be made upon the Board of Estimate and Apportionment for an additional appropriation of \$1,979.50 required for the completion of work under the contract with George Colon & Company for miscellaneous construction and station finish, was presented.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment of the City of New York, by resolution adopted on May 19, 1922, consented to the proposed contract between The City of New York, acting by the Transit Commission, and George Colon & Company for the construction of miscellaneous construction and station finish work in municipal rapid transit railroads (Agreement "BH"), Groups I, II and III, and appropriated for the purposes of meeting the City's obligations under said proposed contract the sum of \$12,532.50, charging the sum of \$5,721 thereof as a subauthorization under the general appropriations for Contract No. 3 and charging \$6,811.50 thereof as a subauthorization under the general appropriations for Contract No. 4; and

Whereas, The Chief Engineer of this Commission, by communication dated January 26, 1923, has reported with respect to the work under said contract and as to the necessity for the appropriation of the additional sum of \$1,979.50 with which to meet the final payment under said contract, and has recommended the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of said additional sum; and

Whereas, Counsel has prepared and submitted a proposed requisition upon the Board of Estimate and Apportionment which, if adopted, will effect said recommendation of the Chief Engineer,

Resolved, That the said report, recommendation and requisition be and they hereby are approved and the latter be signed by the Chairman and transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, authorized by the above resolution, was as follows:

January 30, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board, by resolution adopted on May 19, 1922, consented to the proposed contract between The City of New York, acting by the Transit Commission, and George Colon & Company, for the construction of miscellaneous construction and station finish work in municipal rapid transit railroads (Agreement "BH"), Groups I, II and III, and appropriated for the purposes of meeting the City's obligations under said contract the sum of Twelve thousand five hundred thirty-two dollars and fifty cents (\$12,532.50), said sum, to the extent of Five thousand seven hundred twenty-one dollars (\$5,721), being charged as a subauthorization against the appropriations theretofore made by your Honorable Board for the purposes of carrying out the contract dated March 19, 1913, known as Contract No. 3, and to the extent of Six thousand eight hundred eleven dollars and fifty cents (\$6,811.50), being charged as a subauthorization against the appropriations theretofore made by your Honorable Board for the purposes of carrying out the contract dated March 19, 1913, known as Contract No. 4.

The Chief Engineer of this Commission, in a communication dated January 26, 1923, has reported with respect to the work under said contract and to the requirements for additional moneys therefor as follows:

"In computing an approximate final estimate of the work done under the Contract of Geo. Colon & Co. for certain miscellaneous construction and station finish work located in the Boroughs of Manhattan and Brooklyn, Agreement "BH," Groups I, II and III, it has been found that the appropriation provided for this work, namely \$12,532.50, is insufficient. This appropriation will be exceeded by \$1,979.50 due to the necessity of performing certain unforeseen construction which was encountered during the progress of the work.

The following is a statement of the appropriation and estimated expenditures on this agreement:

Cost of work under Regular Unit Items.....	\$13,912 00
Cost of work under Item 150.....	600 00

Total	\$14,512 00
Amount Appropriated	12,532 50

Additional Appropriation Required	\$1,979 50

and below are given the supporting details:

Increase in Cost of Work Performed Under the Unit Items of the Contract Due to Underestimation and Necessary Changes in Plan.

<i>Group I—Borough Hall Station—Route 33, Section 3.</i>	
*Item 6 Concrete Masonry.....	\$50 00
*Item 9-D Removal of concrete.....	460 00
**Item 19-MM (b) Drilling holes.....	80 50
*Item 501-B (a) White glazed tile.....	125 00
*Item 521-B Plastering	300 00
*Item 523 (c) 3" floor finish.....	69 00
*Item 528 (a) 2" hollow tile.....	24 00
**Item 528 (b) 3" hollow tile.....	84 00
**Item 532-A (d) Kalamein doors "A".....	100 00
*Item 554 (a) ¾" conduits.....	4 00
*Item 554 (c) 1½" conduits.....	24 00
*Item 554 (d) 2" conduits.....	40 00
*Item 561 (a) Painting.....	40 00

\$1,400 50

Group II—South Street Shaft—Route 33, Section 2.

*Item 6 Concrete masonry.....	270 00
**Item 523 (d) Cement finish.....	57 00

327 00

\$1,727 50

In addition to the foregoing there were certain changes and omissions which caused a saving in the contract as follows:

Item 513 Mosaic	60 00
Item 527 Brick	187 00
Item 528 (c) 4" hollow tile.....	22 00
Item 532-E Removal and resetting of door.....	30 00
Item 556 (f) 6"x6"x4" box.....	5 00
Item 15 (c) Waterproofing.....	6 00
Item 19-MM (c) Reframing beam ends.....	48 00

348 00

\$1,379 50

Cost of Work Performed Under Item 150

Although there is provision for payment under Item 150 for extra work performed in this contract, no appropriation was made to cover payment for such work.

Group I—Borough Hall Station.

Item 3 Removal of existing wires, placing temporary wires and replacing wires in conduits.....	\$200 00
Item 4 For furnishing and installing strap anchors for hollow tile walls.....	40 00
Item 6 For furnishing and placing mosaic plaques.....	75 00
Item 2 Patching grating and changing conduits in South sub-passageway, Atlantic Ave. Sta.....	80 00

\$395 00

Group II—South Street Shaft.

Item 1 Hacking concrete wall below elevation 109.3.....	55 00
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Group III—Essex Street Station.

Item 5 For reconstruction of leaders.....	150 00
---	--------

\$600 00

Total\$1,979 50

* Increase due to underestimation.
 ** Increase due to change in plan.

The following is a brief description of Items 1 to 6 inclusive:

1—The concrete shaft as built by the original contractor projected about 4 ft. above the street surface and no provision was made in the contract for treating the surface to give it a finished appearance. The surface of this concrete was left in a very rough and irregular condition and appeared unsightly in comparison with the super-structure constructed under this contract. It was advisable therefore to hack the old concrete and apply a cement finish. Payment for the cement finish was classified under the schedule items and payment for the hacking of the concrete under Item 150.

2—The contract drawings called for a 3x3 sump to be cut in the floor of the passageway close to the south wall. This sump was laid out as indicated on the plan and the floor concrete had been cut by the contractor, when it was found that in the location as shown the placing of the sump would interfere with grillage beams in the wall at this point. It was therefore necessary to move the sump 1' from the wall in order to clear the concrete encasing this grillage. This involved additional cutting and in addition thereto the grating which was to be placed as a cover for the sump had already been fabricated with a hole left adjacent to the wall for the entrance of two pipes to be installed by the Operating Company for operation of equipment in the sump. It was necessary to patch the grating in order to cover the hole which being away from the wall was in the line of traffic.

It was also found that two electric conduits crossed this sump as located and it was necessary to have the conduits changed so as to carry around the sump.

3—The work at Borough Hall station includes changes in existing conduits from the overhang of the upper train platform to the platform wall and crossed the escalator space. These conduits had to be lowered where they crossed the escalator space in order to provide the necessary clearance for the escalator. Some of these conduits contained lighting and telephone wires and it was necessary to provide temporary wires while the changes were made in the conduits and then install wires in the new location.

4—The contract called for the construction of a hollow tile facing wall about 18 feet high. It was necessary to attach this wall to an adjacent back wall. Although anchors were called for under the contract, there was no provision for payment for same.

5—The contractor was required to reconstruct the canopy leaders at the Essex Street station by providing certain offset fittings at the foot of the leaders and install a system of drains at this location. After the contractor cut away a section of the vault lights and prepared to set the drains as shown on drawing 8, file 1112, it was discovered that the canopy post bases below the top of the vault lights projected beyond the posts and therefore the special offset fittings could not be placed as indicated on the drawing. To overcome this condition it was necessary to locate the canopy leaders further out from the posts than called for on the contract drawings in order to clear the projecting bases and to provide offsets in the section of 4" copper leaders above the ornamental boxes at the top of the leaders.

6—In connection with the altering and reconstructing of portions of the structure at the Borough Hall Station in order to provide for the accommodation of escalators it was necessary for the station finish contractor to repair the existing tile and mosaic work on some of the adjacent walls. Under the contract there was a unit price for restoration of white glazed tile and also for mosaic work. There was, however, no item for replacement of mosaic plaques.

Below is a summary giving the description of the additional cost of the work under Contract 3 and Contract 4.

Description	Cont. 3	Cont. 4	Total
I. Items underestimated and increased.....	\$1,400 50	\$327 00	\$1,727 50
III. Work under Item 150.....	395 00	205 00	600 00
Total increase	\$1,795 50	\$532 00	\$2,327 50
II. Items overestimated and omitted.....	—348 00	.....	—348 00
Total additional appropriation.....	\$1,447 50	\$532 00	\$1,979 50

Recommendation: In view of the foregoing facts, I would recommend that an additional appropriation of \$1,447.50 on Contract 3 and of \$532.00 on Contract 4 be secured from the Board of Estimate and Apportionment to meet the expense incurred in the prosecution of this agreement."

The Transit Commission has approved said report and recommendation and accordingly hereby makes requisition upon your Honorable Board for the appropriation of the additional sum of One thousand, nine hundred and seventy-nine dollars and fifty cents (\$1,979.50) for the purposes of said contract, said sum, to the extent of One thousand, four hundred and forty-seven dollars and fifty cents (\$1,447.50), to be a subrequisition under the authorizations heretofore made by your Honorable Board for the purposes of said Contract No. 3 and to the extent of Five hundred and thirty-two dollars (\$532) to be a subrequisition under the authorizations heretofore made by your Honorable Board for the purposes of said Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

117—R. T. 6891

Route No. 8; Section No. 1—Certificate by Chief Engineer of Completion of Contract (Except Maintenance of Street Surface Restored)—Report by Chief Engineer Recommending that Contractor Be Required to Deposit Certified Check in Sum of \$2,500 As Security for Repairs to Leaks at Sixth Avenue Station—Resolution Accepting Work and Directing That Certificate Be Filed with Comptroller

The following certificate was approved:

January 25, 1923.

To TRANSIT COMMISSION:

Certificate of Completion: Route 8, Section 1

In connection with the contract dated August 9, 1916, between the City of New York and Booth & Flinn, Ltd., for the construction of Route 8, Section 1, I hereby certify that all work necessary to put the railroad in condition for operation was completed on December 31, 1921, and all other work agreed upon to be done under the contract (except the maintenance of street surface restored) was completed on August 31, 1922. The total cost of all work done under the contract (except the maintenance of street surface restored) was \$2,101,330.45, paid as follows:

By the City of New York	\$2,069,625.17
By the President of the Borough of Manhattan for the widening of the roadway on the south side of 14th Street between University Place and 4th Avenue.....	25,800.00
By James A. Hearn & Son for the cost of additional work done in connection with the construction of the Sixth Avenue Station in order to make provision for an approach through the store of James A. Hearn & Son..	5,905.28
Total	\$2,101,330.45

In accordance with the provisions of the contract, the work necessary to put the railroad in condition for immediate, full and continuous operation should have been completed on June 10, 1918, and all other work covered by the contract (except the maintenance of street surface restored) should have been completed on October 10, 1918. The time of completion of the railroad ready for operation was extended to December 31, 1921, and the time of completion of all other work (except the maintenance of street surface restored) was extended to August 31, 1922, by resolution of the Transit Commission adopted on November 22, 1922. As the work was completed within the contract times as extended, there are no liquidated damages to be assessed.

Recommended, That the work (except the maintenance of street surface restored) be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

A report by the Chief Engineer dated January 25, 1923, recommending that the contractor be required to deposit a certified check in the sum of \$2,500 as security for repairs to certain leaks which have developed in the structure at the Sixth Avenue Station, was also approved and the following resolution was adopted:

Whereas, The contract dated August 9, 1916, between The City of New York, acting by the Public Service Commission for the First District and Booth and Flinn, Ltd., for the construction of that part of the 14th Street-Eastern Rapid Transit Railroad, known as Section No. 1 of Route No. 8, required the completion of all work thereunder to put the Railroad in condition for immediate, full and continuous operation should have been completed on June 10, 1918, and all other work covered by the said contract (except the maintenance of street surface restored) should have been completed on or before October 10, 1918, which respective times were extended to December 31, 1921, and August 31, 1922, by resolution of the Transit Commission adopted on November 22, 1922; and

Whereas, The Chief Engineer of this Commission, by communication dated January 25, 1923, has reported that all the work under said contract necessary to put the Railroad in condition for operation was completed on or before December 31, 1921, and all other work covered by said contract (except the maintenance of street surface restored) was completed on or before August 31, 1922; that the total cost of all work done under said contract (except the maintenance of street surface restored) was \$2,101,330.45, made up as follows:

By the City of New York.....	\$2,069,625.17
By the President of the Borough of Manhattan for the widening of the roadway on the south side of 14th Street, between University Place and 4th Avenue	25,800.00
By James A. Hearn & Son for the cost of additional work done in connection with the construction of the Sixth Avenue Station in order to make provision for an approach through the store of James A. Hearn & Son..	5,905.28
Total	\$2,101,330.45

and recommends that the work so performed (except the maintenance of street surface restored) be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York; and

Whereas, In accordance with the provisions of Section No. 425 of the Specifications of said contract the said contractor is obligated to maintain street surface restored under said contract for a period of one year from and after the date of the filing in the office of the Comptroller of The City of New York the certificate of completion and acceptance under said contract except said maintenance of street surface and the City is authorized to deduct and retain from the final payment the sum of \$20,000 until said period of maintenance of said street surface has expired; and

Whereas, The Chief Engineer, by communication dated January 25, 1923, has recommended that as a condition precedent to certifying the final voucher the said contractor be required to deposit with this Commission a certified check payable to the City of New York in the sum of \$2,500 as security to the City until such time as the said Contractor has made the necessary repairs to certain leaks which have developed in the structure at the Sixth Avenue Station or until such time as it has been determined that said contractor is not responsible for the repair of said leaks.

Resolved, That the said report and recommendation be and the same hereby are approved; that the work so performed (except the maintenance of street surface restored) be and the same hereby is accepted and that a certificate of such final completion and acceptance (except the maintenance of street surface restored) be prepared and transmitted to the Comptroller of the City of New York, provided, however, that as a condition precedent to the transmission of said certificate of completion and acceptance the said Contractor, Booth & Flinn, Ltd., shall deposit with this Commission its certified check in the sum of \$2,500 as security in accordance with the said recommendation of the Chief Engineer in his communication of January 25, 1923, as aforesaid.

118—R. T. 7460

Agreement "AU"—Certificate by Chief Engineer of Completion of Contract for Miscellaneous Construction and Station Finish, Group III—Resolution Accepting Work and Directing Certificate Be Filed with Comptroller

The following certificate was approved:

January 26, 1923.

To: TRANSIT COMMISSION

Certificate of Completion: Miscellaneous Construction and Station Finish Work—Agreement "AU"—Group III

In connection with the contract dated June 5, 1922 between the City of New York and Gustin-Morris Contracting Corporation for miscellaneous construction and station finish work, Agreement "AU", Group III, I hereby certify that all work was completed on December 22, 1922. The total cost of the work was \$4,215.68.

In accordance with the provisions of the contract all work should have been completed on October 8, 1922. The time for completion, however, was extended to December 22, 1922 by resolution of the Transit Commission adopted on January 23, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The contract dated June 5, 1922 between The City of New York, acting by the Transit Commission and Gustin-Morris Contracting Corporation for Miscellaneous Construction and Station Finish (Agreement "AU") Group III required the completion of all work thereunder on or before October 8, 1922 which time was extended to and including December 22, 1922 by resolution of the Transit Commission adopted on January 23, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated January 26, 1923 reports that all the work under said contract was in all respects completed on or before December 22, 1922 and that the total amount due therefor was \$4,215.68 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

Resolved, That the said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

119—R. T. 7601

Route No. 52, Section No. 1—Communication from Phoenix Bridge Company Withdrawing Bid Submitted for Furnishing and Erecting Steel and Requesting Return of Certified Check—Resolution Authorizing Return of Check

An application dated January 29, 1923, from the Phoenix Bridge Company withdrawing its bid submitted on December 14, 1922 for furnishing and erecting structural steel for Section No. 1 of Route No. 52 and requesting the return of the certified check deposited with its bid, was presented.

The following resolution was adopted:

Whereas, Pursuant to resolution adopted on December 19, 1922, this Commission, pursuant to advertisement duly had awarded the proposed contract for furnishing and erecting structural steel for part of a rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, to the low bidder, the Phoenix Bridge Company, and transmitted said proposed contract, together with a requisition for the appropriation of the money

estimated to be necessary to meet the obligations of the City thereunder, to the Board of Estimate and Apportionment; and

Whereas, The Board of Estimate and Apportionment by resolution adopted on January 5, 1923, denied said application of the Commission for the consent to said proposed contract and the appropriation of the sum so requisitioned and referred the matter back to this Commission; and

Whereas, By communication dated January 29, 1923, the Phoenix Bridge Company, by J. H. Roland, Resident Manager, has notified this Commission of the withdrawal of its bid and has requested the return today of a certified check deposited with said bid,

Resolved, That the said application be and the same hereby is granted and that the Secretary of this Commission be and hereby is authorized and directed to return to the said Phoenix Bridge Company the certified check deposited with its bid for the performance of the work of supplying and erecting structural steel for said Section No. 1 of Route No. 52 and to take proper receipt therefor.

120—R. T. 2008, 7007

Contract No. 1—Applications by Interborough Rapid Transit Company and Rapid Transit Subway Construction Company for Certification of Voucher in Sum of \$275,139, as Third Installment of Payment of Arbitration Award to Be Applied to Installation of Multiple Unit Car Door Control Device—Reports by Assistant Chief Accountant and Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

A joint application by the Interborough Rapid Transit Company and the Rapid Transit Subway Construction Company dated May 25, 1922, and a modified application dated January 17, 1923, for the certification of a voucher in the sum of \$270,139 as a third installment of the payment of the arbitration award made under Contract No. 1, to be applied to the installation of multiple unit car door control device on 982 subway cars, was presented.

A report by the Assistant Chief Accountant dated January 25, 1923, classifying the payment and a report by the Engineer of Equipment and Operation and the Chief Engineer dated January 27, 1923, recommending that the applications be approved, were also presented.

The following resolution was adopted:

Whereas, The predecessor of this Commission, the Transit Construction Commissioner, by order adopted on April 23, 1920, approved the application of Interborough Rapid Transit Company as set forth in its communication dated February 13, 1920, for the purchase and installation of a multiple unit car door control device, as Additional Equipment under and in accordance with the provisions of Contract No. 3, upon his finding that such device would promote the security, safety, and adequacy of subway rapid transit railroad operation to the traveling public; and

Whereas, By order adopted on the 15th day of December, 1920, the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911, modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911, and by orders adopted co-incidentally therewith modified the order of April 23, 1920, aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922, for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, The Interborough Rapid Transit Company and Rapid Transit Subway Construction Company by joint communication dated May 25, 1922, as modified by joint communication dated January 17, 1923, have made application and requisition to the Transit Commission for the preparation and certification of a voucher in the sum of \$270,139 as the third installment of the payment of said arbitration award as set forth in the agreement of December 30, 1911, aforesaid to be used in completing the installation of such multiple unit car door device upon the said 982 cars in accordance with the approval and authorizations granted by the Transit Construction Commissioner; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated January 27, 1923, reported that the said sum is fairly chargeable to the cost of such installation and recommends that said application and requisition be approved; and

Whereas, The Assisant Chief Accountant of this Commission has by communication dated January 25, 1923, reported with respect to said application and requisition as follows:

"The amount of the Saratoga Award is.....	\$2,260,534.58
of which there has been requisitioned and paid by the City Comptroller to the Interborough Company to date.....	\$1,954,318
The present requisition is for.....	270,139
Making a total requisition of.....	<u>2,224,457.00</u>
leaving a balance of the Saratoga Award after the payment of this present requisition.....	\$ 36,077.58

Of the *total estimated expense* in connection with the multiple unit car door device, \$2,577,153, there is to be provided in total as above stated, \$2,224,457, leaving, as per our tentative understanding above referred to, \$352,696, to be charged against the Depreciation Reserve."

Resolved, That said reports and recommendations be and the same hereby are approved; that upon all the prior proceedings with respect to the utilization of the arbitration award in accordance with the provisions of the agreement dated December 30, 1911, modifying said Contract No. 1 as aforesaid and in accordance therewith the Transit Commission does hereby approve the application and requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922, as modified and supplemented by communication dated January 17, 1923, for the payment of \$270,139 to be used for the purposes of completing the installation of such multiple car door control device upon the said 982 cars, as a third installment of the net amount of said arbitration award.

121—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Material for Equipping One Hundred New Steel Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application dated January 10, 1923, from the Interborough Rapid Transit Company requesting approval of a proposed Purchasing Agent's Order to be issued to M. O'Neil Supply Company for material for equipping one hundred new steel subway cars at a cost of \$3,965.43 was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 29, 1923, recommending that application be approved, was also presented.

The following resolution was adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 10, 1923, directed to M. O'Neil Supply Company for the manufacture and delivery of the following:

9500 Bushings, $\frac{1}{2}$ " x $\frac{1}{4}$ " reducing malleable	
Price—\$0.04 each, less 40—20%.....	\$182.40
350 Bushings, $\frac{3}{4}$ " x $\frac{1}{4}$ " reducing malleable	
Price—\$0.05 each, less 40—20%.....	8.40
450 Bushings, 1" x $\frac{3}{4}$ " reducing malleable	
Price—\$0.06 each, less 40—20%.....	12.96
17000 Couplings $\frac{1}{4}$ " R&L Mall., ribbed	
Price—\$0.20 per lb. less 25%.....	248.55
700 Couplings $\frac{3}{8}$ " R&L Mall.	
Price—\$0.20 per lb. less 25%.....	16.80
2200 Couplings $\frac{1}{2}$ " R&L Mall.	
Price—\$0.20 per lb. less 25%.....	64.35
4500 Couplings, $\frac{3}{4}$ " R&L Mall.	
Price—\$0.20 per lb. less 25%.....	221.10
350 Elbows, $\frac{3}{8}$ " GM&B	
Price—\$0.28 per lb. less 25%.....	14.91
1600 Elbows, $\frac{1}{4}$ " street, GM&B	
Price—\$0.28 per lb. less 25%.....	42.84
550 Elbows $\frac{3}{8}$ " street GM&B	
Price—\$0.28 per lb. less 25%.....	20.58
1200 Nipples $\frac{1}{4}$ " galv. close	
Price—\$0.06 each, less 66%.....	24.48
6000 Ft. Pipe, $\frac{1}{4}$ " galvanized steel	
Price—\$0.06 per ft. less 13%.....	313.20
5000 ft. pipe $\frac{1}{4}$ " galvanized steel	
Price—\$0.06 per ft. less 13%.....	261.00
8500 ft. pipe $\frac{3}{4}$ " galvanized steel	
Price—\$0.11½ per ft. less 45%.....	535.50
200 Ft. pipe 1" extra heavy galv. steel	
Price—\$0.22 per Ft. less 40%.....	26.40
5800 Ft. pipe 1- $\frac{1}{4}$ " galvanized steel	
Price—\$0.23 per Ft. less 47%.....	701.22
220 Plugs $\frac{3}{8}$ " pipe, malleable	
Price—\$0.02 each, less 50%.....	2.20
110 Plugs, $\frac{1}{2}$ " pipe, malleable	
Price—\$0.02 each, less 50%.....	1.10
220 Tees, $\frac{1}{4}$ " x $\frac{1}{2}$ " GM&B	
Price—\$0.28 per lb. less 25%.....	13.86
300 Tees, $\frac{3}{8}$ " GM&B	
Price—\$0.28 per lb. less 25%.....	13.65
220 Tees, $\frac{3}{8}$ " x $\frac{1}{2}$ " GM&B	
Price—\$0.28-lb. less 25%.....	16.38
110 Tees, $\frac{1}{2}$ " x $\frac{3}{8}$ " GM&B	
Price—\$0.28 per lb. less 25%.....	6.72
110 Tees, $\frac{3}{4}$ " x $\frac{3}{8}$ " x $\frac{3}{4}$ " GM&B	
Price—\$0.28 per lb. less 25%.....	10.08

85 Tees, 3/4" GM&B	
Price—\$0.20 per lb. less 25%.....	6.15
200 Tees, 3/4" x 1" GM&B	
Price—\$0.20 per lb. less 25%.....	17.85
110 Tees, 1" x 3/8" x 1" GM&B	
Price—\$0.28 per lb. less 25%.....	10.50
165 Unions, 3/8" galv. ground joint, brass to iron seat.	
Price—\$0.60 each, less 75%.....	24.75
200 Unions, 1/2" galv. ground joint, brass to iron seat.	
Price—\$0.75 each, less 75%.....	37.50
1100 Unions, 3/4" galv. ground joint brass to iron seat.	
Price—\$0.90 each, less 75%.....	247.50
2125 Unions, 1" galv. ground joint, brass to iron seat.	
Price—\$1.20 each, less 75%.....	637.50
500 Unions, 1-1/4" galv. ground joint, brass to iron seat.	
Price—\$1.80 each, less 75%.....	225.00
Total.....	\$3,965.43

which proposed purchasing agents order has been caused to be designated as "Approval No. 440"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated January 19, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

M. O'Neil Supply Company.....	\$3,965.43
Cornell and Underhill.....	3,927.88
R. J. Donovan.....	4,017.46
Walworth Manufacturing Co.....	4,670.34
John Simmons Company.....	4,994.41
Crane Company.....	No bid

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of by said proposed purchasing agent's order.

122—R. T. 6481

Contract No. 4—Application from New York Consolidated Railroad Company for Approval of Price for Car Brake Shoes for First Quarter of Year, 1923—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application dated January 2, 1923, from the New York Consolidated Railroad Company by W. S. Menden, General Manager for Lindley M. Garrison, Receiver, requesting approval of the price of \$63 per net ton for furnishing brake shoes for the first quarter of 1923 under the contract with the American Brake Shoe & Foundry Company, was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 11, 1923, recommending that the application be approved, was also presented.

The following resolution was adopted:

Whereas, This Commission, by resolution adopted on November 9, 1921, as amended by resolution adopted on November 22, 1921, pursuant to the provisions of the

contract dated March 19, 1913, between the City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation consented to a proposed contract to be entered into between the Receiver of New York Consolidated Railroad Company (assignee of New York Municipal Railway Corporation of the maintenance and operating provisions of said Contract No. 4) with American Brake Shoe and Foundry Company for the purchase of car brake shoes in connection with the operation of the Railroad and Existing Railroads under said Contract No. 4 "the price of said shoes varying", provision being made in said proposed contract for revising the prices on the first day of January, April, July and October, the revised price to prevail for the succeeding three months, which resolution further provides that each new price fixed in accordance with the provisions of said proposed contract shall be submitted to this Commission for approval; and

Whereas, By communication dated January 2, 1923, the Receiver of New York Consolidated Railroad Company has requested the approval of this Commission to a price of \$63.00 per net ton, F. O. B. Mahwah, N. J., to be paid in the first quarter of the year of 1923; and

Whereas, By communication dated January 11, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the said price of \$63.00 per ton for the first quarter of the year 1923 is reasonable in view of present material and labor costs and recommend that the said request be approved,

Resolved, That the fixation of the price of \$63.00 per net ton, F. O. B., Mahwah, N. J., as of January 1, 1923, for the supply of car brake shoes under said contract with American Brake Shoe and Foundry Company approved as aforesaid, to prevail during the first quarter of the year 1923 be and the same hereby is approved.

123—R. T. 7255

Routes Nos. 19 & 22, Section No. 2—Copy of Letter to Comptroller of City of New York Requesting Change in Code from Which Payment Should Be Made for Purchase of Property from John S. Mapes, Lambert G. Mapes and Mary A. Howell for Part of Site of Westchester Yard—Approval Resolution

The following resolution was adopted:

Whereas, The Secretary of this Commission, by communication dated January 24, 1923, advised the Comptroller of the City of New York as follows:

"Under date of December 31, 1922, the Transit Commission transmitted to your office for the preparation of the necessary warrant and payment Misc. Voucher No. 594, dated December 19, 1922, in favor of John S. Mapes, Lambert G. Mapes and Mary A. Howell, for the acquisition of a yard site for the Westchester Avenue Elevated Line, north of Westchester Avenue and east of Blondell Avenue in the Borough of The Bronx, said voucher being in the sum of \$30,877.61 and charged to Code Real Estate and Interest Therein—Contract No. 3, CCM-301.

It has been indicated that it would be better, from the City's standpoint, to charge this voucher to Suspense Account—Real Estate Sales and Rentals of the Transit Commission, Code S-109-C.

The Transit Commission has considered this matter and finds no objection to the change in the charge of this voucher as suggested. The Transit Commission therefore requests that said voucher be charged to and paid from Suspense Account—Real Estate Sales and Rentals of the Transit Commission, Code S-109-C, instead of the code designated upon the face of said voucher."

Resolved, That such action on the part of the Secretary of this Commission be and hereby is in all respects confirmed and approved.

Further Resolved, That the Auditor of this Commission be and hereby is authorized and directed to make the necessary change upon said voucher to accord with the foregoing approval.

124—R. T. 7255

Routes Nos. 19 & 22, Section No. 2—Copy of Letter to Comptroller of City of New York Requesting Change in Code from Which Payment Should Be Made for Purchase of Property from Hospital Estates, Inc. for Part of Site for Westchester Yard—Approval Resolution

The following resolution was adopted:

Whereas, The Secretary of this Commission by communication dated January 24, 1923, advised the Comptroller of the City of New York as follows:

"Under date of January 18, 1923, the Transit Commission transmitted to your office for the preparation of the necessary warrant and payment Misc. Voucher No. 38, dated January 16, 1923, in favor of the Hospital Estates, Inc., for the acquisition of a yard site for the Westchester Avenue Elevated Line, north of Westchester Avenue and east of Blondell Avenue in the Borough of The Bronx, said voucher being in the sum of \$11,388.03 and charged to Code Real Estate and Interest Therein—Contract No. 3, CCM-301.

It has been indicated that it would be better, from the City's standpoint, to charge this voucher to Suspense Account—Real Estate Sales and Rentals of the Transit Commission, Code S-109-C.

The Transit Commission has considered this matter and finds no objection to the change in the charge of this voucher as suggested. The Transit Commission therefore requests that said voucher be charged to and paid from Suspense Account—Real Estate Sales and Rentals of the Transit Commission, Code S-109-C, instead of the code designated upon the face of said voucher."

Resolved, That such action on the part of the Secretary of this Commission be and hereby is in all respects confirmed and approved.

Further Resolved, That the Auditor of this Commission be and hereby is authorized and directed to make the necessary change upon said voucher to accord with the foregoing approval.

125—R. T. 7255

Routes Nos. 19 and 22, Section No. 2—Copy of Letter to Comptroller of City of New York Requesting Change in Code from Which Payment Should Be Made for Purchase of Property from Harlem River and Portchester Railroad Company for Part of Site of Westchester Yard—Approval Resolution

The following resolution was adopted:

Whereas, The Secretary of this Commission, by communication dated January 24, 1923, advised the Comptroller of the City of New York as follows:

"Under date of January 18, 1923 the Transit Commission transmitted to your office for the preparation of the necessary warrant and payment Misc. Voucher No. 39, dated January 16, 1923, in favor of the Harlem River and Portchester Railroad Company, for the acquisition of a yard site for the Westchester Avenue Elevated Line, north of Westchester Avenue and east of Blondell Avenue in the Borough of The Bronx, said voucher being in the sum of \$58,079.29 and charged to Code Real Estate and Interest Therein—Contract No. 3, CCM-301.

It has been indicated that it would be better, from the City's standpoint, to charge this voucher to Suspense Account—Real Estate Sales and Rentals of the Transit Commission, Code S-109-C.

The Transit Commission has considered this matter and finds no objection to the change in the charge of this voucher as suggested. The Transit Commission therefore requests that said voucher be charged to and paid from Suspense Account—Real Estate Sales and Rentals of the Transit Commission, Code S-109-C, instead of the code designated upon the face of said voucher."

Resolved, That such action on the part of the Secretary of this Commission be and hereby is in all respects confirmed and approved.

Further Resolved, That the Auditor of this Commission be and hereby is authorized and directed to make the necessary change upon said voucher to accord with the foregoing approval.

126—R. T. 6447

Contract No. 3—Resolution Directing Auditor to Prepare Vouchers for Payment of Sums for Acquisition of Real Estate as a Charge to Suspense Account Until Fund Is Exhausted—Adopted

The following resolution was adopted:

Whereas, There is now existent two codes applicable to the acquisition of real estate or interest therein to meet the obligations of the City in accordance with the provisions of the contract dated March 19, 1913, known as Contract No. 3, the first being "Suspense Account—Real Estate Sales and Rentals of the Transit Commission, Code S-109-C" and the second being "Code Real Estate and Interest Therein—Contract No. 3, CCM-301"; and

Whereas, The utilization of the latter code necessitates the issuance of corporate stock of the City of New York and the Department of Finance has indicated its objection to the necessity for issuing such corporate stock in view of the fact that the use of the first mentioned code will obviate such necessity; and

Whereas, The Transit Commission concurs in such reason,

Resolved, That this Commission hereby directs the Auditor of this Commission that in the preparation of vouchers for the payment of sums for the acquisition of real estate under Contract No. 3 the said Code S-109-C shall be used until completely expended prior to making any further charge against Code CCM-301, unless otherwise permitted or directed by this Commission.

127—R. T. 6449

Contract No. 4—Resolution Directing Auditor to Prepare Vouchers for Payment of Sums for Acquisition of Real Estate as a Charge to Suspense Account Until Fund Is Exhausted—Adopted

The following resolution was adopted:

Whereas, There is now existent two codes applicable to the acquisition of real estate or interest therein to meet the obligations of the City in accordance with the provisions of the contract dated March 19, 1913, known as Contract No. 4, the first being "Suspense Account—Real Estate Sales and Rentals of the Transit Commission, Code S-109-C" and the second being "Code Real Estate and Interest Therein—Contract No. 4, CCM-401"; and

Whereas, The utilization of the latter code necessitates the issuance of corporate stock of the City of New York and the Department of Finance has indicated its objection to the necessity for issuing such corporate stock in view of the fact that the use of the first mentioned code will obviate such necessity; and

Whereas, The Transit Commission concurs in such reason,

Resolved, That this Commission hereby directs the Auditor of this Commission that in the preparation of vouchers for the payment of same for the acquisition of real estate under Contract No. 4, the said Code S-109-C shall be used until completely expended prior to making any further charge against Code CCM-401, unless otherwise permitted or directed by this Commission.

128—R. T. 6567

Contract No. 3—Report by Chief Engineer Transmitting Thirty-sixth Quarterly Determination of Cost—Referred to Counsel and Chief Accountant

A report by the Chief Engineer dated January 26, 1923, transmitting the Thirty-sixth Quarterly Determination of Cost rendered under Contract No. 3, dated December 27, 1922, for the period ended March 31, 1922, was referred to Counsel and the Chief Accountant.

129—R. T. 6553

Contract No. 4—Report by Chief Engineer Transmitting Thirty-sixth Quarterly Determination of Cost—Referred to Counsel and Chief Accountant

A report by the Chief Engineer dated January 26, 1923, transmitting the Thirty-Sixth Quarterly Determination of Cost rendered under Contract No. 4, dated December 27, 1922, for the period ended March 31, 1922, was referred to Counsel and the Chief Accountant.

130—R. T. 6418, 6420

Third Tracking and Extension Certificates—Report by Chief Engineer Transmitting Statement of Cost to March 31, 1922—Referred to Counsel and Chief Accountant

A report by the Chief Engineer dated January 26, 1923, transmitting a statement of cost, dated December 27, 1922, of additional tracks and extensions of elevated lines for the period ended March 31, 1922, under the certificates granted to the Manhattan Railway Company and the Interborough Rapid Transit Company, was referred to Counsel and the Chief Accountant.

131—R. T. 3003

Contracts Nos. 1 and 2—Communication from Department of Finance Requesting Statement of Rental Due City from Interborough Rapid Transit Company for Quarter Ended December 31, 1922—Reply Approved

A communication dated January 15, 1923, from the Department of Finance by A. J. Philbin, Deputy Comptroller, requesting a statement of rental due the City from the Interborough Rapid Transit Company for the quarterly period ended December 31, 1922, under the contracts for the Manhattan-Bronx and Brooklyn-Manhattan Rapid Transit Railroads, was presented.

The following reply was approved:

January 29, 1923.

*Rentals under Contracts No. 1 and No. 2 for Quarterly Period
Ended December 31, 1922.*

Hon. CHARLES L. CRAIG, Comptroller,
Department of Finance,
Municipal Building,
New York City.

Dear Sir:

Receipt is acknowledged of a communication dated January 15, 1923, from Mr. A. J. Philbin, Deputy Comptroller, (reference "Accountancy") transmitting "Copies of statements and letter sent to the Interborough Rapid Transit Company with respect to the amount of rental payable by said Lessee Company for the quarterly period ended December 31, 1922, under the provisions of the contracts for operation of the Manhattan-Bronx and the Brooklyn-Manhattan Rapid Transit Railroads (Contracts Nos. 1 and 2)", and requesting that your Department be furnished with the usual statements for said quarterly period, containing the information classified and arranged as in the quarterly statements heretofore prepared.

The statements are reported by our Bureau of Accounting and Valuations to be correct except in the particular to which the attention of your office has been directed in previous communications on this subject. In the tabulation given below comparison is made between the rental as computed by your Department and as adjusted to con-

form with the records of the Transit Commission. The comparison shows your rental figures for Contract No. 1 to be excessive in the amount of \$275.92.

	Department of Finance		Transit Commission	
	Amount	%	Amount	%
Total Outlays to Dec. 31, 1922, on account of Construction, Terminals, Interest, etc.	\$51,462,249.43	95.739705	\$51,462,249.43	95.680304
Easements, Real Estate and Rights of Way... \$2,333,153.25				
Changes in Station at 149th Street	13,397.20			
	<u>\$2,346,550.45</u>			
Less amount paid for Easements from Miscellaneous Receipts	56,545.84			
	<u>\$2,290,004.61</u>	2,290,004.61	4.260295	
Adjustments: Expenditures for Easements made in 1917 but included in report of Department of Finance....	21,096.25			
Expenditures for Easements made in 1920 but included in report of Dept. of Finance.....	12,274.55			
	<u>\$2,323,375.41</u>		2,323,375.41	4.319696
	\$53,752,254.04	100	\$53,785,624.84	100
Finance Department Computation of Rental payable by Interborough Rapid Transit Company under Contract No. 1 for the Quarterly period ended December 31, 1922. 95.739705% of \$464,503.50 (Total Interest for Quarter)			\$444,714.28	
Transit Commission Computation of Rental payable by Interborough Rapid Transit Company under Contract No. 1 for the Quarterly period ended December 31, 1922. 95.680304% of \$464,503.50 (Total Interest for Quarter)			444,438.36	
			<u>\$ 275.92</u>	

If you desire, I shall be pleased to designate a representative of the Transit Commission to confer with your Department, with a view to bringing this matter to a conclusion.

Yours very truly,
 JAMES B. WALKER,
 Secretary.

132—R. T. 6114

Contract No. 1—Opinion by Commissioner O’Ryan Recommending Disapproval of Construction of Proposed Passageway at 168th Street Station—Approved

The following opinion was approved:

January 25, 1923.

FROM COMMISSIONER O’RYAN
 TO THE TRANSIT COMMISSION:

Recommendation relative to proposal that an additional entrance to pass under St. Nicholas Avenue be provided for station at 168th Street and Broadway, Manhattan.

The papers in this case show that an effort has been made by persons interested, to secure the approval of the Transit Commission for the construction of an addi-

tional entrance to the subway station at Broadway and 168th Street, such entrance to extend from the sidewalk on the easterly side of St. Nicholas Avenue, crossing under St. Nicholas Avenue, to the island park directly across St. Nicholas Avenue, where the proposed tunnel would connect with the existing subway entrance in the park.

The report of the Chief Engineer shows that other requests of similar character, involving the tunnel construction of underground approaches for the purpose of enabling passengers to avoid street surface traffic, have been made and have consistently been denied. In this case, the Chief Engineer doubts whether the construction of the additional entrance is warranted by the amount of street traffic on St. Nicholas Avenue, especially if comparison is made with other places where the traffic is much heavier and where similar passageways have not been constructed. He recommends that rapid transit funds be not used for the construction of such an entrance at this time, but adds that if the Borough President believes it desirable to construct such underground way at the expense of the City, there would seem to be no objection to such action.

There are being constructed at the present time additional entrances to this station, which are located on the westerly side of Broadway. Due to the depth of the subway at this point, elevators are in use to carry passengers between the entrance near the street surface and the station level, and the new construction, now under way, will provide additional elevator facilities. This new construction, being on the westerly side of Broadway, includes as part of the work a passageway under Broadway to connect with the station on the easterly side of Broadway under the island park. The present new construction is primarily for the purpose of providing additional facilities for carrying passengers between the street surface and the stations. The proposed project would not add to these facilities, for the underground passageway proposed to be built under St. Nicholas Avenue would connect with the existing entrance in the island park and would not provide an additional approach to the station itself. The cost of the proposed underground way is estimated at \$25,000. Traffic counts, made by the Transit Bureau, during rush hours at this station, show that 7350 passengers arrive and depart at this station daily during the rush hours via St. Nicholas Avenue; that about 3500 passengers depart by way of Broadway. The accompanying map indicates the numbers of subway passengers and the direction of their movements to and from the station, in accordance with the above count.

It must be evident that the construction of the proposed tunnel would provide a new feature appealing to a substantial percentage of the considerable number of persons who daily use the island entrance to the 168th Street Station. Traffic on St. Nicholas Avenue would doubtless cause numbers of people, if they had the choice offered by the installation of this proposed underground way, to use it instead of crossing on the street surface above. In rainy weather, numbers of people would shorten the distance they would otherwise have to walk in the rain by getting below the street surface on the easterly side of St. Nicholas Avenue and continuing to the station through the tunnel.

But the fact is that considerations of this character, were they to determine the action of the Commission in all cases presented to it for consideration and which have equal or greater merit, would involve the expenditure of moneys out of all proportion to the benefits to be derived. The present work of constructing the additional entrance facilities now going on on the westerly side of Broadway at this station, will cost over \$370,000. It is being performed as extra work under the provisions of Contract No. 1. The City of New York pays the cost of this work, and that cost is to be capitalized as a part of the cost of the construction of the road under Contract No. 1, and upon this the company will pay interest and sinking fund as a deduction from the revenue under the combined operation provided for in Contract No. 3.

The Chief Engineer reports that if it is proposed to construct the passageway under the existing contracts, it will necessarily require the consideration of the Interborough Rapid Transit Company as assignee of Contract No. 1, and that the refusal of the company to agree would be legally effective to preclude its consideration in that connection. Informally, counsel for the Commission indicates that if a necessity exists for the proposed passageway (aside from mere convenience of crossing St. Nicholas Avenue under its surface), the matter might be considered by the Commission under the provisions of Contract No. 3 in relation to the making of additions in construction, as to which the Commission has plenary power. Should the Commission lawfully exercise such power, the cost of the project would be borne one-half by the City and one-half by the Company.

It does not seem to me that the Commission would be justified in providing for the construction of this proposed passageway under either one of the methods indicated. I do not believe it can fairly be said that the proposed passageway is a necessity. Indeed, many persons who approach the island entrance from territory lying east of St. Nicholas Avenue undoubtedly do and would continue to cross St. Nicholas Avenue at other points than in the block between 167th and 168th Streets, so that even as a convenience there is some ground for speculation as to the number of people who would prefer to use the passageway.

Another objection to the approval of this project is the fact that existing plans for new routes provide for the construction of a subway up St. Nicholas Avenue. It would seem to be only a question of time when a subway will be constructed under St. Nicholas Avenue, and the construction of this proposed underground passageway might constitute an obstruction necessitating removal or reconstruction to meet the requirements of the new subway as they would exist at the time its final plans were approved.

This proposal is in line with many others that often characterize municipal enterprises, and the relations between local public bodies and public utility companies. A relatively small percentage of the population will seek the advantage of some convenience to them, provided the project does not carry with it obligations of expense to be borne by them. Such a group will often urge an undertaking by the City or by one of the transit companies which none of such persons, individually, would attempt to justify as a reasonable proposal based upon correct principles, if all the parties concerned were business firms prepared to act in accordance with such principles. The idea often prevails that if the public utility company can be made to bear the burden in the first instance, the matter of expense is disposed of satisfactorily and with justice. If, on the other hand, the expense is to be imposed upon the treasury of the City, the violation of correct business principles involved is lost sight of in the knowledge that while the benefit is to be enjoyed by a few, the expense is to be shared by all. It does not seem always to be understood that justification for the approval of one project of this character would, in like manner, and in accordance with the dictates of consistency, justify many others in other places in the City and for the benefit and convenience of other small groups, the result being the creation of a great debt, contrary to correct business principles and which in the end the people would have to pay.

The frequency with which these proposals are made and the persistency with which some of them are urged would seem to indicate forcibly the vital importance of maintaining the legal disinterestedness of the public commission which is to determine their merit. This Commission, which finds the direct source of its authority in the sovereign power of the State, can and must act in the ultimate interest of the people of the City as a whole. It does not suffer the embarrassments which would inevitably attach themselves to its work were it to be the creature of one of the parties interested in the local transit affairs of the City.

The proposed project is not a necessity. Its approval would not be justified at this time without giving approval to other similar projects, some of which have greater merit. Accordingly, I recommend its disapproval.

JOHN F. O'RYAN,
Commissioner.

The Secretary was authorized to transmit a copy of the above mentioned communication to the Board of Estimate and Apportionment.

133—R. T. 7369

Route No. 8—Report by Engineer of Equipment and Operation and Chief Engineer Recommending That Steps Be Taken to Clear Up Uncertainty as to Obligations of Lessee to Operate Subway Portion of Fourteenth Street—Eastern Line—Approved

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 25, 1923, recommending that immediate steps be taken to clear up the present uncertainty as to the rights and obligations of the lessee to operate the com-

pleted portion of the Fourteenth Street-Eastern Line and to reach an agreement so that operation will not be delayed on account of the failure to provide the required equipment, was approved.

134—R. T. 7005

Route No. 8—Report by Engineer of Equipment and Operation and Chief Engineer Recommending That Commission Reaffirm Action of May 26, 1921, and Direct Receiver of New York Municipal Railway Corporation to Make Provision for Supply of Power—Approved

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 19, 1923, recommending that the Commission reaffirm its action of May 26, 1921, and direct the Receiver of New York Municipal Railway Corporation to provide without further delay a substation adjacent to the subway portion of the 14th St.-Eastern Line in Brooklyn for the operation of that line to its initial terminus on Meserole St., and that the Receiver be specifically directed to submit a site for the substation for the approval of the Commission by March 1, 1923, and to submit plans, specifications, forms of contract for the building and the machinery in ample time to permit the completion of the substation in November 1923 when it is believed the road can be made ready for operation, was approved.

135—R. T. 7267

Routes Nos. 35 & 67—Motion Directing Chief Engineer to Modify Plans So As to Provide for Crossovers to Permit Temporary Operation of Queensboro Subway Extension to Fifth Avenue Station—Adopted

Upon motion duly seconded and adopted the Chief Engineer was directed to modify the steel plans for the construction of the Queensboro Subway Extension, Routes Nos. 35 and 67, so as to provide crossovers to permit the early operation of the line to the Fifth Avenue station.

136—Cases 1756, 1797

Staten Island Rapid Transit Railway Company—Grade Crossing Eliminations at Pennsylvania Avenue, Clifton Avenue and Maryland Avenue, Rosebank—Report and Opinion, Resolution Authorizing Certificate of Performance of Work and Certificate of Performance of Work—Approved

The Secretary presented a report and opinion, dated January 23, 1923, by Carleton S. Cooke, Assistant Counsel to the Commission duly designated to conduct the hearing on final accounting herein stating the account between the railroad company, the State of New York and The City of New York, and recommending the adoption of a resolution authorizing a certificate of performance of work and a certificate of performance of work.

The Commission approved and ordered filed the report and opinion of Assistant Counsel Cooke, approved and ordered filed the resolution authorizing a certificate of performance of work and approved said certificate of performance of work.

The resolution and certificate of performance of work were in the following form:

At a meeting of the Transit Commission held at its office, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 30th day of January, 1923.

Present:

GEORGE McANENY,	}	Commissioners.
Chairman,		
LE ROY T. HARKNESS,		
JOHN F. O'RYAN,		

IN THE MATTER
of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossing of the tracks of the STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY
Crossing at Pennsylvania Avenue, Rosebank.

CASE No. 1756

RESOLUTION AUTHORIZING CERTIFICATE OF PERFORMANCE OF WORK AND PAYMENT.

IN THE MATTER
of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossing of the tracks of the STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY
Crossings at Clifton Avenue and Maryland Avenue at Rosebank.

CASE No. 1797

Whereas, A final order and determination was made herein by the Public Service Commission for the First District on July 1, 1914, determining the manner in which Pennsylvania Avenue, Clifton Avenue and Maryland Avenue at Rosebank, Staten Island, should cross the tracks of the Staten Island Rapid Transit Railway Company; and

Whereas, The said Commission by Order, dated January 25, 1918, herein approved said work as completed and substantially as required by the said Order, dated July 1, 1914; and

Whereas, Upon a hearing and accounting duly held before Carleton S. Cooke, Assistant Counsel to the Commission duly designated to conduct the same by Order and certificate, dated December 27, 1922, pursuant to Sections 8 and 11 of the Public Service Commission Law, it appears that the total cost of the work required by the said Order herein, dated July 1, 1914, with interest is \$117,563.61:

That the share of said cost to be borne by said railroad company is..	\$58,781.81
The share to be borne by The City of New York is.....	29,390.90
The share to be borne by the State of New York is.....	29,390.90

and,

Whereas, It appears that The City of New York has paid on account of its share of said cost \$31,944.89, and the State of New York has paid on account of its share of said cost \$22,886.50, and

Whereas, It appears from the foregoing figures that The City of New York has paid to said railroad company \$2,553.99 in excess of its share of the cost and that there is now due from the State of New York to said railroad company as the balance of its share of said cost \$6,504.40.

Now therefore it is Resolved, That the Chairman and the Secretary of the Commission be and they are hereby authorized to execute and file with the Comptroller of the State of New York a certificate in the form attached hereto and made a part hereof, that work to the extent of \$117,563.61 has been properly performed by said Staten Island Rapid Transit Railway Company, The City of New York and the State of New York, in complying with the terms of said Order herein, dated July 1, 1914.

Further Resolved, That pursuant to the provisions of the Railroad Law, payment by the State of New York to the said Staten Island Rapid Transit Railway Company of \$6,504.40 being the balance due from the State of New York to said Staten Island Rapid Transit Railway Company on account of the work required by said Order, dated July 1, 1914, herein, be and the same hereby is directed.

Further Resolved, That pursuant to the provisions of the Railroad Law, payment by said Staten Island Rapid Transit Railway Company to the City of New York of \$2,553.99 being the amount paid by The City of New York in excess of its share of the cost of complying with the terms of said Order herein, dated July 1, 1914, be and the same hereby is directed.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

At a meeting of the Transit Commission held at its office,
No. 49 Lafayette Street, Borough of Manhattan, City
of New York, on the 30th day of January, 1923.

Present:

GEORGE McANENY,
Chairman, } Commissioners.
LE ROY T. HARKNESS,
JOHN F. O'RYAN, }

IN THE MATTER
of the

Hearing on the motion of the Commission on the question
on the alterations and changes in the following grade
crossing of the tracks of the STATEN ISLAND RAPID
TRANSIT RAILWAY COMPANY.

CASE No. 1756

Crossing at Pennsylvania Avenue, Rosebank.

CERTIFICATE OF
PERFORMANCE OF WORK

IN THE MATTER
of the

Hearing on motion of the Commission on the question
on the alterations and changes in the following grade
crossings of the tracks of the STATEN ISLAND RAPID
TRANSIT RAILWAY COMPANY.

CASE No. 1797

Crossings at Clifton Avenue and Maryland Avenue at
Rosebank.

A final order and determination having been made herein on July 1, 1914, determining the manner in which Pennsylvania Avenue, Clifton Avenue and Maryland Avenue at Rosebank, should cross the track of the Staten Island Rapid Transit Railway Company, in the Borough of Richmond, City of New York, and it appearing that the said Staten Island Rapid Transit Railway Company pursuant to the provisions of the Railroad Law and under the supervision and direction of the Commission has completed the work required by said Order, dated July 1, 1914, and has submitted to the Commission verified statements and accounts indicating a total expenditure in connection therewith of \$117,563.61, and including payments made by The City of New York on account of supervision, property acquisition, property damage and interest \$13,679.89 and including payments made by the State of New York including interest on account of supervision of \$731.50, and it appearing after hearing on final accounting herein before Carleton S: Cooke, Assistant Counsel to the Commission duly designated to conduct the same, that the Staten Island Rapid Transit Railway Company has expended in carrying out the terms of said Order, dated July 1, 1914, including interest \$103,152.22; that The City of New York has contributed as a partial payment towards its share of the cost of carrying out the terms of said Order, dated July 1, 1914, including interest \$18,265.00; and that the State of New York has contributed as a partial payment towards its share of the cost of carrying out the terms of said Order, dated July 1, 1914, including interest \$22,155.00;

Now, Therefore, The Transit Commission of the State of New York does hereby certify:

First: That an Order determining the manner in which Pennsylvania Avenue, Clifton Avenue and Maryland Avenue, Rosebank, Borough of Richmond, City of New York, should be carried across the tracks of the Staten Island Rapid Transit Railway Company was made by the Public Service Commission for the First District on July 1, 1914.

Second: That the necessary work in carrying out the terms of said Order, dated July 1, 1914, amounting to \$117,563.61 has been properly performed by the Staten Island Rapid Transit Railway Company under the supervision of the Commission.

Third: That The City of New York, through the Commission and otherwise, has expended thereupon including interest \$31,944.89.

Fourth: That the State of New York, through the Commission and otherwise, has expended thereupon including interest \$22,886.50.

Fifth: That the share of the cost of said work to be borne by the respective parties is as follows:

By the Railroad Company.....	\$58,781.81
By The City of New York.....	29,390.90
By the State of New York.....	29,390.90

Sixth: That the balance due to the Staten Island Rapid Transit Railway Company from the State of New York including interest is \$6,504.

Seventh: That the balance due to The City of New York from the Staten Island Rapid Transit Railway Company including interest is \$2,553.99.

TRANSIT COMMISSION

By GEORGE McANENY,
Chairman.

Attest:

JAMES E. WALKER,
Secretary.

137—Case 2672

The Long Island Railroad Company—Application of Board of Estimate and Apportionment for a Determination As to the Method by Which 216th Street (4th Street) Should Cross the Right of Way of the Flushing and North Side Division—Hearing Order Adopted

The Secretary presented a resolution of the Board of Estimate and Apportionment dated July 19, 1922, making application for a determination as to the method by which 216th Street (4th Street), in the Borough of Queens, should be carried across the tracks of the Flushing & North Side Division of The Long Island Railroad Company.

The Commission adopted and ordered filed an Order directing a hearing on said application before George L. Lucas, Acting Chief Executive Officer to the Commission, therein duly designated to conduct the same upon a date to be fixed by him.

138—Case 2660

Application of Tisdale Lumber Company for Switch Connection and Sidetrack to Be Maintained by the Long Island Railroad Company near Kew Station, Borough of Queens—Report and Opinion by Counsel and Memorandum by Commissioner Harkness Approved—Order Adopted

The Secretary presented:

(1) A report and opinion, dated January 15, 1923, by George O. Redington, Counsel to the Commission, duly designated to conduct the hearing herein recommending that the Commission find and determine that The Long Island Railroad Company is required to maintain and operate a sidetrack and switch connection with the property of the Tisdale Lumber Company near Kew Station, in the Borough of

Queens, upon reasonable terms in said opinion specifically set forth: (2) a memorandum by Commissioner Harkness, dated January 15, 1923, concurring in the recommendation of Counsel.

The Commission approved and ordered filed the report and opinion of Counsel and the Memorandum of Commissioner Harkness and adopted and ordered filed an Order in Case No. 2660, embodying the recommendations in said report and opinion contained.

The vote was as follows: Ayes: Commissioners Harkness and O'Ryan. Chairman McAneny not voting.

139

Proceedings—Proposed Contract with M. B. Brown Printing & Binding Company for Printing Proceedings for Year 1923—Approval Resolution

The following resolution was adopted:

Whereas, The Transit Commission on January 26, 1923 opened bids for printing the minutes of the Commission for the year 1923; and

Whereas, The lowest bid was that of the M. B. Brown Printing & Binding Company, and it appearing that the service heretofore furnished by said company has been satisfactory to the Transit Commission,

Resolved, That the work of printing the minutes of the Transit Commission for the year 1923 be awarded to the said M. B. Brown Printing & Binding Company, and that the Chairman and the Secretary of the Commission be and they are hereby authorized and directed to execute a contract with said M. B. Brown Printing & Binding Company in the form prepared and submitted by Counsel.

140

Transit Record—Proposed Agreement with Herald Square Press for Printing of Record for Year 1923—Approval Resolution

The following resolution was adopted:

Whereas, The Commission has called for bids for the printing and delivering of its Transit Record for the calendar year ending December 31, 1923, and whereas such bids were received and opened on January 26, 1923, and whereas the Herald Square Press is the lowest bidder;

Resolved, That the bid of the Herald Square Press for printing and delivering the Commission Transit Record for the calendar year ending December 31, 1923, being the same as hereby approved, and

Further Resolved, That the Chairman and Secretary of the Commission be and they are hereby authorized and directed to execute on behalf of the Commission, and deliver to the Herald Square Press an agreement for said printing of the Transit Record in accordance with the terms of said bid dated January 26, 1923.

141

Lease—Proposed Lease of Premises at No. 113 North Seventh Street, Allentown, Pennsylvania for One Year Beginning April 1, 1923—Approval Resolution

The following resolution was adopted:

Whereas, The Commission deems it necessary for the purpose of carrying out its work in accordance with the provisions of the Rapid Transit Act as amended and the Public Service Commission's law as amended by Chapter 134 of the Laws of 1921 of the State of New York, to lease all that certain store-room and basement situated in the building known as No. 113 North Seventh Street, in the City of Allentown, Pennsylvania, for a period of one (1) year beginning April 1, 1923 and ending March 31, 1924, at the monthly rental of \$110.00 and upon certain other conditions more particularly set forth in the form of lease hereinafter referred to; and

Whereas, The Chief Clerk, under date of January 24, 1923, has recommended that this lease be approved; and

Whereas, Counsel at the request of the Chief Executive Officer has examined the form of lease signed by the owners, to wit: Thomas E. Ritter, William G. Ritter, Katie M. Ritter, Jennie V. Langdon and Agnes S. Lawall of the City of Allentown, County of Lehigh, State of Pennsylvania, which said form of lease has been approved by him as to form with the recommendation that its execution be authorized by the Commission;

Resolved, That the Commission do and it hereby does, approve the aforesaid lease, and that the Chairman be, and he hereby is, authorized to execute the same and the Secretary to attest such execution and to affix thereto the seal of the Commission.

142

Lease—Proposed Lease with Gair Realty Corporation for Fourth Floor of Building 5A at 35 York Street, Brooklyn, for Term of Five Years from April 1, 1923—Approval Resolution

The following resolution was adopted:

Whereas, By virtue of a lease dated June 30, 1920, between Gair Realty Corporation of the Borough of Brooklyn, City and State of New York, as lessor, and the Transit Construction Commissioner, acting for the City of New York, as Lessee, the Transit Commission, acting for The City of New York, is now in possession of certain premises known as the fourth floor of the addition to Gair Building #5A, bounded by Washington, York and Flint Streets, in the Borough of Brooklyn, City of New York, in use as a storeroom and laboratory, which said lease will expire by limitation on March 31, 1923; and

Whereas, The Commission desires to continue the occupation of said premises for an additional period of five (5) years beginning April 1, 1923, and expiring March 31, 1928, upon certain terms and conditions more specifically set forth in a form of lease hereinafter referred to; and

Whereas, Counsel has submitted a form of lease between Gair Realty Corporation, as lessor, and Transit Commission, acting for The City of New York, as lessee, recommending that it be approved;

Resolved, That the Commission do, and it hereby does, approve the said form of lease submitted by Counsel between Gair Realty Corporation, as lessor, and Transit Commission, acting for The City of New York, as lessee, of the fourth floor of Gair Building #5A, No. 35 York Street, Borough of Brooklyn, City of New York, containing approximately 9664 square feet, to be used as a store-room and laboratory for a period of five (5) years from April 1, 1923, at an annual rental of \$5,500; and it is further

Resolved, That the Chairman be, and he hereby is, authorized to execute the said lease for and in behalf of the Commission, and that the Secretary be, and he hereby is, authorized to attest the signature of the Chairman and to affix the seal of the Commission to the said lease.

143—R. T. 6567

Contract No. 3—Report by Counsel Advising of Decision by Appellate Division Dismissing Complaint of City in Matter of Determination of Cost by Chief Engineer—Filed

A report by Counsel dated January 27, 1923, advising of the decision by the Appellate Division, First Department, in dismissing the complaint of the City in the matter of the action to set aside the determination of cost rendered by the Chief Engineer of the Public Service Commission on October 14, 1913, under Contract No. 3, was ordered filed.

Employees' Resolution No. 126

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment Under Rule VIII:7—Kopple Tennygold, mechanical engineer, at \$150.08 per month, to take effect January 17, 1923.

Appointment Under Rule XVI:1—Morris Harkavy, junior assistant, at \$125.08 per month, to take effect January 25, 1923.

Resignations—Milton D. Lowenstein, architectural draftsman, at \$150.08 per month, to take effect January 22, 1923.

Termination of Appointment Under Rule VIII:9—John H. Scott, draftsman, at \$150.08 per month, to take effect January 31, 1923.

Transferred from State Commission of Highways—Gustave Chirlian, junior assistant, at \$125.08 per month, to take effect February 1, 1923.

Promotion—Fred Wilcock, assistant division engineer, from \$458.33 per month, to \$500.00 per month, to take effect January 1, 1923.

Change of Item in Resolution of January 23, 1923, Concerning Carl S. Monniche, so as to read as follows: (Appointment)—Carl S. Monniche, draftsman, at \$150.08 per month, to take effect January 23, 1923.

Change of Item in Resolution of January 23, 1923, Concerning George H. Lesley, so as to read as follows: (Termination of Appt. Under Rule VIII:4)—George H. Lesley, draftsman, at \$150.08 per month, to take effect January 24, 1923.

Change of Item in Resolution of January 23, 1923, Concerning Carl S. Monniche, so as to read as follows: (Termination of Appt. Under Rule VIII:9)—Carl S. Monniche, draftsman, at \$150.08 per month, to take effect January 22, 1923.

Leave of Absence With Pay—August F. Leimbach, transit inspector, from December 27, 1922, to January 15, 1923; George Paaswell, assistant engineer, from January 5, 1923, to January 15, 1923.

Voucher Schedule No. 5

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted to the Comptroller of The City of New York for payment:

Vouchers Nos. 115-142, open market orders, \$1,757.68; Vouchers Nos. 64-66, miscellaneous bills, \$1,279.29.

Estimate by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 23; Alfred R. Sax Lumber Co.; approximate estimate No. 5 for the supply of ties and timber, Order No. 7, for rapid transit railroads, from November 28, 1922, to January 15, 1923 (R.T. 7495) \$10,665.30;

Voucher No. 24, Interborough Rapid Transit Company; approximate estimate No. 6 for the construction of connection between the 7th Avenue Branch of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad; and the Brooklyn-Manhattan Rapid Transit Railroad; between the Eastern Parkway Line and the Brooklyn-Manhattan Rapid Transit Railroad, and between the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line and the Manhattan-Bronx Rapid Transit Railroad, to January 22, 1923 (R.T. 7249) \$7,296.99;

Voucher No. 25; Booth & Flinn, Ltd.; final estimate for value of work done and materials furnished under contract dated August 9, 1916 for the construction of Section 1 of Route No. 8 (R.T. 7091) \$308,987.81;

Voucher No. 26; Gustin-Morris Contracting Corporation; final estimate for miscellaneous construction and station finish work on certain portions of the Rapid Transit Railroads of the City of New York, Agreement "AU," Group III, to December 22, 1922 (R. T. 7460), \$759.68;

Voucher No. 27; Interborough Rapid Transit Company, Assignee; approximate estimate No. 6 and final estimate for the construction of additional entrance to Borough Hall station of the Brook'yn-Manhattan Rapid Transit Railroad, to December 31, 1922 (R. T. 7317), \$467.32;

Voucher No. 28; Interborough Rapid Transit Company; approximate estimate No. 1 for changing subway structure at 59th Street, in order to make possible the re-arrangement of the curb lines at the northeast corner of Columbus Circle and Broadway, under the jurisdiction of the President of the Borough of Manhattan, to November 30, 1922 (R.T. 7591), \$7,301.09;

Voucher No. 29; Powers-Kennedy Contracting Corporation; retained percentage certificate No. 1-R for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Routes Nos. 35 and 67 (R. T. 7584), \$59,000.00.

146

Upon motion, duly seconded and adopted, the meeting was adjourned to February 1, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, January 31, 1923

147

11:45 A. M.; R. T. 4040; Proposed Agreement with Hudson and Manhattan Railroad Company for adjustment of rentals for extensions. Commissioner O'Ryan presided. Hearing closed.

JAMES B. WALKER,
Secretary.

PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street
Borough of Manhattan, City of New York

Proceedings for Thursday, February 1, 1923

Present: LeRoy T. Harkness, Acting Chairman; James B. Walker, Secretary.
The following matter was presented and action taken as noted:

148—R. T. 7590

Contract No. 3—Receipt of Bids for Furnishing and Erecting Structural Steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Referred to Chief Engineer.

Commissioner Harkness stated that the time within which to receive bids for furnishing and erecting structural steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids. The Secretary presented the proper affidavits of publication and opened the box and read the four bids received. The bids were then referred to the Chief Engineer.

Adjourned Meeting

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

149

Fifth Avenue Coach Company—Operation of Buses on Fourth Avenue and Park Avenue between Astor Place and 57th Street—Letter Approved

Commissioner Harkness stated that he had been informed that on January 31, 1923, the Board of Estimate and Apportionment of The City of New York had granted a temporary permission for sixty days to the Fifth Avenue Coach Company to operate a line of motor omnibuses from Astor Place via Fourth and Park Avenues to 57th Street and return.

On motion of Commissioner Harkness it was unanimously decided to send to the Fifth Avenue Coach Company forthwith the following letter:

February 1, 1923.

FIFTH AVENUE COACH COMPANY,
605 West 132nd Street,
New York City.

Dear Sirs:

Information has reached the Transit Commission to the effect that your company is preparing to start operation, under authority purporting to have been granted on January 26, 1923 by the Board of Estimate and Apportionment, of a new bus line on

Fourth and Park Avenues between Astor Place and 57th Street, in the Borough of Manhattan. No application has been made to the Transit Commission for a certificate of convenience and necessity in this matter, nor is the Commission informed as to the extent, if at all, to which various statutory requirements governing the authorization of bus lines have been complied with.

If it is your intention to begin operation without complying with the requirements of the statutes of this State, I am directed by the Commission to say that it cannot tolerate such an additional and open violation of law. Recently the Supreme Court in the Schaeffer case enjoined the operation of municipal buses because of the failure to comply with legal requirements. The Commission intervened in that case and aided in securing a stay of the injunction in order to preserve the *status quo*, and to avoid the interruption, in some cases, of necessary service, while investigations and consideration of the bus question were proceeding. Although the Schaeffer case dealt with municipal operation of buses, the same principles and the same element of violation of law apply to the private operation of buses by your company. While the Commission does not wish to take any action that would cause public inconvenience through suddenly upsetting existing operation, it cannot permit new lines to be opened in violation of law.

This is to be taken as an official notification by the Commission and you are requested promptly to acknowledge receipt and to inform the Commission of your intention.

Yours very truly,
JAMES B. WALKER,
Secretary.

150

Upon motion, duly seconded and adopted, the meeting was adjourned to Wednesday, February 7, 1923, at 11:00 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, February 6, 1923

151

Hearing

The following hearing was held:

10:45 A. M.; Case No. 2671; Nassau Bus Line, Inc.; application for certificate of convenience and necessity to operate motor buses in Far Rockaway, Borough of Queens. Commissioner O'Ryan presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, February 7, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; Arthur McKinney, Acting Secretary.

The following matters were presented and action taken as noted:

152—R. T. 7590

Contract No. 3—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders for Furnishing and Erecting Structural Steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on February 1, 1923, for furnishing and erecting structural steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of Five thousand (\$5,000) dollars, deposited with their bids.

153—R. T. 7590

Contract No. 3—Report by Chief Engineer as to Receipt of Bids for Supply and Erection of Structural Steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard and Recommendation for Award of Contract to McClintic-Marshall Co. at Bid Price of \$293,888.00—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

February 3, 1923.

To: **TRANSIT COMMISSION:**

Award of Contract for Third Addition to Shops, Lenox Avenue and 148th Street Yard, to McClintic-Marshall Co.

On February 1, 1923, the following bids were received for furnishing and erecting structural steel for Third Addition to Shops, Lenox Avenue and 148th Street Yard:

Bids on Items Nos. 19-b and 20-b—Bethlehem Shapes

McClintic-Marshall Co., 50 Church St., N. Y. City.....	\$293,888.00
Bethlehem Steel Company, 25 Broadway, N. Y. City.....	304,864.00
Post & McCord, 101 Park Avenue, N. Y. City.....	308,221.60

Bids on Items Nos. 19-a and 20-a—Standard Shapes

Jobson-Gifford Co., 20 East 42nd St., N. Y. City.....	293,962.50
McClintic-Marshall Co., 50 Church St., N. Y. City.....	302,840.00
Post & McCord, 101 Park Ave., N. Y. City.....	308,200.00

This is the same contract for which bids were previously received on October 20, 1922, transmitted to the Board of Estimate on October 24, 1922 and rejected by the Board of Estimate on December 22, 1922 because litigation was pending between the lowest bidder Bethlehem Steel Bridge Corporation and the City of New York. The bid of the Bethlehem Steel Co. at that time was \$279,920, which is \$13,968 lower than the present low bid. Our last estimate for this work amounted to \$292,400.

In the Invitation to Bidders this time as well as on the previous occasion, bids were asked based on Standard shapes as well as on Bethlehem shapes. The lowest bidder on Standard shapes was Jobson-Gifford Co., whose bid was \$293,962.50. The lowest bidder on Bethlehem shapes was McClintic-Marshall Co., whose bid amounted to \$293,888, \$74.50 below the Jobson-Gifford Co.'s bid.

I send you attached copy of minutes of a conference held in my office on February 2, 1923, with a representative of the McClintic-Marshall Co. and also a conference with representatives of the Jobson-Gifford Co. This interview with Jobson-Gifford Co. was granted at their request. From the minutes of the Jobson-Gifford Co. conference it will be noted that they advanced reasons why the contract should be awarded to them rather than to the McClintic-Marshall Co. A representative of the American Bridge Co. stating that it is connected with the Jobson-Gifford Co. in this bid also orally protested against awarding the contract to the McClintic-Marshall Co., his reasons being included in the minutes of the Jobson-Gifford Co. conference.

For your information I also transmit herewith twelve (12) prints of summation of bids.

McClintic-Marshall Co. is one of the best known structural steel companies in the country with a high reputation for financial integrity and ability to carry out work of this kind. It has not previously done work directly for the Commission but has done considerable work in furnishing steel for the elevated structures of both the Interborough Company and the New York Municipal Railway Corporation, which work has been satisfactorily carried out. It has also done considerable work for the Department of Plant & Structures and its Chief Engineer says that its work has been satisfactory, delivering the material ahead of time.

Notwithstanding the objections raised by the American Bridge Co. and Jobson-Gifford Co., I consider it only fair that the contract should be awarded to the lowest bidder, McClintic-Marshall Co., which company is of the highest reputation.

Recommendation: In accordance with the above I recommend from an engineering standpoint, that the contract for furnishing and erecting structural steel for Third Addition to Shops, Lenox Avenue and 148th Street Yard be awarded to the lowest bidder, McClintic-Marshall Co., at its bid figure of \$293,888, and that a requisition be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for furnishing and erecting structural steel for Third Addition to Shops, Lenox Avenue and 148th Street Yard (under Contract No. 3), was finally adopted on October 3, 1922 and subsequent to advertisement duly made bids respectively totalling as follows were received on February 1, 1923:

McClintic-Marshall Co.	\$293,888.00
Bethlehem Steel Company	304,864.00
Post & McCord	308,221.60

; and

Whereas, The Chief Engineer of this Commission, by communication dated February 3, 1923, has reported that the amount of said low bid is reasonable and that the said McClintic-Marshall Co. is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$293,888.00, the amount estimated to be necessary to carry out said proposed contract on the part of the City.

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby are approved; that the bid of McClintic-Marshall Co. be and the same hereby is accepted and that the said proposed contract for furnishing and erecting structural steel for Third Addition to Shops, Lenox Avenue and 148th Street Yard (under Contract No. 3), be and hereby is awarded to said McClintic-Marshall Co. subject to its being consented to in form and substance as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$293,888.00, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

[February 7, 1923]

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 7, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT,
Municipal Building,
New York, N. Y.

Gentlemen:

Your Honorable Board by resolution adopted at your meetings of December 22, 1922, and January 5, 1923, denied the request of the Transit Commission for your consent to the award of the proposed contract for furnishing and erecting steel for third addition to shops, Lenox Avenue and 148th Street Yard (Contract No. 3) to Bethlehem Steel Bridge Corporation and to make the necessary appropriation to meet the City's obligations thereunder, for the reason expressed in the communication dated December 22, 1922, from the Assistant Secretary of your Board that "litigation is now pending between the Bethlehem Steel Company and The City of New York and as a matter of policy, no contract of substantial character should be awarded to said company until disposition has been made of this question in controversy."

The Transit Commission has accordingly readvertised said proposed contract and alternative bids were received on February 1, 1923, respectively totalling as follows:

<i>Bethlehem Shapes</i>	
McClintic, Marshall Co.....	\$293,888.00
Bethlehem Steel Company.....	304,864.00
Post & McCord.....	308,221.60
<i>Standard Shapes</i>	
Jobson-Gifford Co.....	293,962.50
McClintic, Marshall Co.....	302,840.00
Post & McCord.....	308,200.00

The Transit Commission pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and McClintic-Marshall Company, for furnishing and erecting structural steel for third addition to shops, Lenox Avenue and 148th Street Yard (under Contract No. 3); together with a requisition upon your Honorable Board for the appropriation of the sum of two hundred ninety-three thousand eight hundred eighty-eight dollars (\$293,888) being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

The Chief Engineer of this Commission in a communication dated February 3, 1923, reports that the lowest bid, that of McClintic-Marshall Company, for Bethlehem Shapes is reasonable and that said company is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said McClintic-Marshall Company, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of two hundred ninety-three thousand eight hundred eighty-eight dollars (\$293,888), and also to direct the Comptroller of The City of New York to issue bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary amounts for meeting the City's obligations under said proposed contract, to wit, the sum of two hundred ninety-three thousand eight hundred eighty-eight dollars (\$293,888).

Your Board is also requested to authorize pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913, known as Contract No. 3, and the appropriation requested is in addition to those heretofore made by your Honorable Board for said purposes.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

154—R. T. 7011

Contract No. 4—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Requisition for Additional Appropriation of \$6,500.00 for Maintenance Prior to Operation—Approval Resolution—Communication to Board of Estimate and Apportionment

A report by the Engineer of Equipment and Operation and the Chief Engineer dated February 7, 1923, recommending that a requisition be made upon the Board of Estimate and Apportionment for an additional appropriation of \$6,500.00 for Maintenance Prior to Operation of Contract No. 4 Lines, was presented.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment has established a fund for the purposes of defraying expenses in connection with the Maintenance Prior to Operation of the Railroad described in the contract dated March 19, 1913, between The City of New York and the New York Municipal Railway Corporation, known as Contract No. 4; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated February 7, 1923, reported with respect to the present and future necessities in connection with the Maintenance Prior to Operation of the Railroad under Contract No. 4 and have recommended the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of an additional sum of six thousand five hundred dollars (\$6,500) under said fund so established,

Resolved, That the said report and recommendation be and the same hereby are approved and the requisition in the form now submitted by Counsel which will effect such recommendation be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 7, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT,
Municipal Building,
New York, N. Y.
Gentlemen:

Your Honorable Board has established a fund known as Code CCM-406, Maintenance Prior to Operation under the Contract dated March 19, 1913, known as Contract No. 4.

The Chief Engineer of this Commission has reported under date of February 7, 1923, with respect to said fund, as follows:

"Up to the present time, the Board of Estimate and Apportionment has appropriated a total of \$36,500 for the Maintenance of Contract No. 4 lines prior to Operation, and at the present time, according to information obtained from the Auditor's office, there remains unencumbered of that amount, \$339.85. As the maintenance work now being carried on is expected to continue for a year, it is considered desirable that further funds should be secured for this work.

"The following is abstracted from my report of June 17, 1922 on the same subject, with the necessary corrections to bring the matter up to date. There are now ten temporary pumps installed in the 14th St.-Eastern Subway, two each at five locations. The City contractors are now at work in the subway and it is necessary that the subway be kept drained at all times in order to avoid interruption of their work. In addition to the pumping work, maintenance of other kinds must be and is being done. It is impossible to forecast the total cost of this work, but since July 19, 1922, when the Board of Estimate and Apportionment appropriated \$6,500, practically all of that amount has been spent, together with the balance existing in the fund on July 19, 1922, and as it seems desirable that funds be available for a six months' period, it is considered proper that a requisition be made on the Board of Estimate and Apportionment for the

sum of \$6,500. As has already been explained, it is estimated that the maintenance work to be performed by the City in the 14th St.-Eastern Subway will last for approximately one year and hence it is likely that this appropriation of \$6,500 will not be sufficient to complete the work.”

“Supplementing my letter to you of February 7, 1923, under the above heading, I am submitting herewith a statement showing the amounts appropriated, the amounts disbursed and held in reserve as of February 5, 1923:

Authorizations:	September 29, 1916.....	\$2,500.00	
	February 15, 1918.....	5,000.00	
	December 10, 1920.....	7,500.00	
	February 18, 1921.....	15,000.00	
	July 19, 1922.....	6,500.00	
			\$36,500.00
Disbursements	.....	\$34,928.69	
Reserves	.....	\$972.59	
Scheds. No. 65, O. M. O. 2748.....		258.87	
		1,231.46	
Total Encumbrances	.....		36,160.15
Unencumbered	.....		\$339.85

The amount of \$1,231.46 held in reserve is for the following items:

Order No. 2393.....	I. R. T.	\$250.00	Repairs to broken drain pipe and repair of station finish, Queensboro Plaza.
Order No. 375— 7/20/21..	N. Y. Cons. Co.	500.00	Repairs to temp. timber work, Lawrence St. Sta.
Order No. 1146.....	Peter, Ward & Riordan	150.20	Pumps
Order No. 2375—11/16/22..	Federal Const. & Engr. Co....	50.00	“
Order No. 2456—12/7/22...	Maintenance Co.	17.39	“
Order No. 2695.....	Crocker Wheeler Mfg. Co.	5.00	“
Order No. 2748— 2/5/23...	Maintenance Co.	258.87	“
			\$1,231.46

The normal monthly expenses for watchmen, maintaining pumps and incidentals are about \$1,120.00. Additional funds are therefore necessary to meet current requirements and to provide for this Maintenance in the future.

Requisition is accordingly made upon your Honorable Board for the additional appropriation of Six thousand five hundred dollars (\$6,500) for Maintenance Prior to Operation of the Railroad described in said Contract No. 4 between the time of the completion thereof and the beginning of operation to be defrayed from the proceeds of corporate stock chargeable to said Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

155—R. T. 7549, 7639

Agreement “CC”—Proposed Form of Contract, Specifications, Invitation to Contractors, etc., for Making Alterations in Structure of Broadway-Fourth Avenue Rapid Transit Railroad so as to Permit Widening of Roadway of East 60th Street—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors, and Forms of Contract, Bond and Contractor’s Proposal, together with the Specifications and Contract Drawings for making alterations in the railroad structure, Routes Nos. 4 and 36,

Section No. 5 of the Broadway-Fourth Avenue rapid transit railroad to permit of the widening of the roadway of East 60th Street, in the Borough of Manhattan, City of New York (Agreement "CC");

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the work aforesaid, be and hereby are approved and adopted, and that said Invitation to Contractors be published in the CITY RECORD every day of publication continuously from and including February 9, 1923, to and including February 26, 1923; and on February 13, 1923 and February 20, 1923, in THE NEW YORK TIMES and THE EVENING MAIL, daily newspapers published in the City of New York, and that such bids as shall be received shall on the 26th day of February, 1923 at 11:30 o'clock A. M., or at a later date to be fixed by the Transit Commission be opened publicly by the Secretary to the Transit Commission at the office of the Transit Commission and read.

156—R. T. 7626

Route No. 8, Section No. 6-A1—Resolution Approving Sureties upon Bond in Sum of \$50,000 Deposited by Contractor as Security for Performance of Contract—Adopted

The following resolution was adopted:

Resolved, That the American Surety Company and the Globe Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Fifty thousand (\$50,000) dollars, deposited by Frederick L. Cranford, Inc., as security for the faithful performance of the contract for the construction of Section 6-A1 of Route No. 8 of the 14th Street-Eastern Line, each of said sureties being held and bound in the sum of Twenty-five thousand (\$25,000) dollars.

157—R. T. 7601

Route No. 52, Section No. 1—Application by Jobson-Gifford Company, Second Lowest Bidder, for Return of Certified Check Deposited with Bid for Furnishing and Erecting Structural Steel for Part of Flushing Line—Application Granted

An application dated February 3, 1923, from the Jobson-Gifford Company, second lowest bidder, requesting the return of the certified check in the sum of \$5,000 deposited with its bid on December 14, 1922, for furnishing and erecting structural steel for Section No. 1 of Route No. 52, Flushing Line, was granted.

158—R. T. 7635

Agreement "CE"—Application by Edward Balaban, Second Lowest Bidder, for Return of Certified Check Deposited with Bid for Alterations in Structure of Broadway-Fourth Avenue Rapid Transit Railroad to Permit Widening of Certain Streets—Application Granted

An application dated February 5, 1923, from Edward Balaban, second lowest bidder, requesting the return of the certified check in the sum of \$300 deposited with his bid on January 25, 1923, for alterations in the structure of the Broadway-Fourth Avenue Rapid Transit Railroad, so as to permit the widening of certain streets in the Borough of Manhattan, was granted.

159—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Furnishing Cable to Be Installed on 100 New Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application from the Interborough Rapid Transit Company dated January 22, 1923, requesting the approval of a proposed purchasing agent's order directed to The Okonite Co. for furnishing cable at a cost of \$6,356.30 to be installed on 100 new steel trailer cars, was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 27, 1923, recommending that the application be approved, was also presented.

The following resolution was adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 22, 1923, directed to Okonite Company for the manufacture and delivery of the following:

2,000 Ft. Cable, 18 cond, insulated, subway Control train, specification 34-R Price: \$453.15 per M. Ft.....	\$906.30
7,000 Ft. Cable, 7-37 #24 single cond, insulated Spec. 34-R. Price: \$250.00 per M. Ft.....	1,750.00
200,000 Ft. Cable, 19-25 single cond, ins. Spec. 34-R except that it is to be furnished with one (1) weatherproof braid, and the maximum outside diameter must not exceed .250" Price: \$18.50 per M. Ft.....	3,700.00
Total	\$6,356.30

Delivery to begin in 5 to 6 weeks from date of order.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 442"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated January 27, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

The Okonite Co.....	\$6,356.30
Standard Underground Cable Co.....	5,066.00
General Electric Co.....	5,333.00
Bishop, Gutta Percha Co.....	5,719.50

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and

hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

160—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Fans with Motors to Be Installed in 53rd Street and 74th Street Fan Chambers of Lexington Avenue Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application dated January 16, 1923, from the Interborough Rapid Transit Company requesting the approval of a proposed purchasing agent's order directed to the American Blower Company for fans to be installed at the 53rd Street and 74th Street fan chambers of the Lexington Avenue Line at a total cost of \$8,331.50, was presented.

A report by the Engineer of Equipment and Operation and Chief Engineer dated January 27, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, recommending that the work be done as a charge to Equipment, was also presented.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has by communication dated January 16, 1923, submitted for the approval of this Commission proposed purchasing agent's order dated January 16, 1923 directed to American Blower Company for the following:

- 2 ca. No. 12 double inlet top vertical double width, full housed, American Sirocco fan, housing to be knocked down to pass through an opening 3 Ft. x 8 Ft. Fan to be equipped with 2 independent bearings on cast iron floor stands and shaft extended to receive pinion for chain drive. Wheel to be built in two sections, furnished with over-sized keys to be fitted on the job by this Company.
- Equipped with two 50 H. P. 550/700 R. P. M. field control Sprague—General Electric direct current, compound wound motors with sliding base and caps, C-R-8000 field rheostat. The motors will be wound for 500-725 volts, D. C., and will be equipped with screened enclosing covers for the commutator end of motors. They will be 40° C. type when operating as open motors. The field rheostats, as mentioned above, are separate units which are to be mounted on panel board by this Company, and are designed to increase speed of motor from 550 to 700 R. P. M. by field control. Each motor to be of ample capacity to operate the fan, the other being held as a reserve or spare.
- Two 50 H. P. American High Speed chain drives for connecting the two motors to the single fan, including one sprocket for the fan shaft, and two pinions for the motor shafts, two strands of chain and one removable casing. This casing will be constructed of #14 gauge black steel with welded seams and made oil-tight and dust proof. Nickel steel pins to be used in building chain.
- Price: \$4,165.75 each.....\$8,331.50

which proposed purchasing agent's order has been caused to be designated as "Approval No. 441"; and

Whereas, By communication dated January 27, 1923 the Engineer of Equipment and Operation and the Chief Engineer have reported the said Equipment is to be installed in the 53rd Street and 74th Street fan chambers of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad, described in

said Contract No. 3; that no other bids were solicited for the reason that the design of the apparatus has been standardized; that the equipment is necessary for the purpose of clearing the express or lower level tunnels of gases in the vicinity of said chambers in case of emergency and is in accordance with the latest engineering practice; that the price is reasonable and recommends that the said proposed purchasing agent's order so submitted be approved; and

Whereas, By endorsement dated February 2, 1923 the Auditor of Rapid Transit Costs has recommended the approval of said proposed purchasing agent's order as a charge to Equipment as defined in said Contract No. 3.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval made part of said proposed purchasing agent's order, the cost thereunder to be charged as Equipment in accordance with the provisions of said Contract No. 3.

161—R. T. 7007

Contract No. 3—Applications by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Orders for Furnishing Rheostats and Contact Shoe Fuse Boxes to Be Installed on 100 New Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolutions

Applications from the Interborough Rapid Transit Company dated December 21, 1922 and December 22, 1922, requesting the approval of proposed purchasing agent's orders directed to the Westinghouse Electric and M'fg. Co. for furnishing 200 rheostats at a cost of \$3,008.00 and to the National Pneumatic Co. for furnishing 400 contact shoe fuse boxes at a cost of \$2,200.00 to be installed on 100 new steel trailer cars, were presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 2, 1923, recommending that the applications be approved, was also presented.

The following resolutions were adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. 1BA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated December 21, 1922, directed to Westinghouse Electric and Manufacturing Company for the manufacture and delivery of the following:

200 Rheostats, bus-line, each consisting of 17 W. E. & M. Co's style 46030 (.02 ohms resistance cold) grids, series connected coated with approved rust preventative assembled in one row in frame for mounting under car, complete with necessary insulation and terminals.
 Price: \$15.04 each..... \$3,008.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 431"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of

this Commission, by communication dated January 2, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

Westinghouse Electric and Mfg. Co.....	\$3,008.00
General Electric Company.....	4,590.00
Columbia Machine Works and Malleable Iron Co.....	No bid
Ellcon Co.	No bid

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated December 22, 1922, directed to National Pneumatic Company for the manufacture and delivery of the following:

400 Boxes, contact shoe fuse, complete with cover including all details on blueprints 6939-B, 7527-A and 7535-B, to be assembled complete as per B/P 7561-B except that fuse, fuse post, terminal and springs on this blueprint are not to be furnished.	
Price: \$5.50 each.....	\$2,200.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 432"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated January 2, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

National Pneumatic Co.....	\$5.50 each	\$2,200.00
P. H. Gill and Sons.....	6.75 each	
R. Steel and Sons.....	8.75 each	
Columbia Machine and Malleable Iron Co.....	18.00 each	
Ellcon Co.	No bid	

and recommend that said proposed purchasing agent's order be approved.

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

162—R. T. 6984

Route No. 16—Resolution Declaring Five Tracks and Connecting Track in Jerome Avenue Storage Yard Ready for Operation—Adopted

The following resolution was adopted:

Resolved, That, under and in pursuance of the provisions of the contract known as Contract No. 3 dated March 19, 1913 made between The City of New York, acting

by the Public Service Commission for the First District and Interborough Rapid Transit Company, this Commission hereby declares the following portions of Subdivision II of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line as described in said Contract No. 3 to be ready for operation at 9:30 o'clock A. M. on February 7, 1923:

Five westerly tracks of the Jerome Avenue Storage Yard Nos. 21 to 25 inclusive between approximate stations 543+00 and 550+69 together with a temporary track connecting the above mentioned storage tracks with the temporary trestle track at approximate station 540+16.

The above Yard Tracks to include all special work and bumpers within the above specified limits.

163—R. T. 7109

Elevated Extension Certificate—Application by Interborough Rapid Transit Company for Approval of Proposed Lease to Israel Margulis of Two Plots of Vacant Ground at East 133rd Street and East 134th Street, West of Willis Avenue, for Term of Ten Years—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application dated January 17, 1923, from the Interborough Rapid Transit Company requesting approval of the proposed lease to Israel Margulis of two small plots of vacant ground on the right of way west of Willis Avenue on the north side of East 133rd Street and on the south side of East 134th Street, Borough of The Bronx, for a term of ten years from January 1, 1923, at an annual rental of \$800.00, was presented.

A report by the Real Estate Clerk dated January 30, 1923, recommending that the application be approved, was also presented.

The following resolution was adopted:

Whereas, Interborough Rapid Transit Company by application dated January 17, 1923, has made application for permission to lease to Israel Margulis a plot of vacant land on the north side of East 133rd Street, 195' 6" west of Willis Avenue, in the Borough of The Bronx, having an area of 168 square feet, being a rectangle 12' x 14", and a plot of vacant land on the south side of East 134th Street, 195' 6" west of Willis Avenue, in the Borough of The Bronx, having an area of 300 square feet, being a rectangle 15' x 20', for a term of ten (10) years from January 1, 1923, at a rental of \$800. per annum, the tenant to spend \$3,000. in building improvements to revert to the Company at the end of the lease and upon certain other conditions enumerated in said application, the income thus derived to be allocated as a credit to Operation, Company Lines, Interborough Certificates; and

Whereas, The Real Estate Clerk, under date of January 30, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Chairman be, and he hereby is, authorized to subscribe the approval of the Commission on the said application.

164—R. T. 6597

Additional Tracks Certificate—Resolution Rescinding Resolution Adopted on July 6, 1922, Approving Installation of Automatic Turnstiles at Stations of Manhattan Elevated Lines with Respect to Classification Therefor—Adopted

The following resolution was adopted:

Whereas, By resolution adopted on July 6, 1922 this Commission approved pursuant to the provisions of the certificate dated March 19, 1913 granted to Manhattan Railway Company for Additional Tracks to the Existing Manhattan Elevated Railroads, known as the Second Avenue, Third Avenue and Ninth Avenue additional tracks, the installation of automatic pre-payment turnstiles (of a character and design similar to the turnstiles installed in the subway portions of the lines of the Interborough Rapid

Transit Company with the approval of this Commission) upon the stations of the Existing Manhattan Railroad as defined in said additional track certificate and in the certificate bearing even date therewith issued to Interborough Rapid Transit Company for certain Extensions thereto, and by said resolution classified such work as Additions to the Railroads as defined in said additional track certificate and to which work this Commission in and by said resolution assigned Work Order No. IDA-2; and

Whereas, Interborough Rapid Transit Company in and by communication dated August 3, 1922 has objected to such classification; and

Whereas, Counsel to this Commission in and by a communication dated September 15, 1922 has reported that in his opinion such approval and classification is under said additional track certificate incorrect and improper in view of the fact that said certificate does not provide for the making of Additions as defined in said certificate to the said existing Manhattan Railroads; and

Whereas, By communication dated September 14, 1922 the Auditor of Rapid Transit Costs of this Commission has recommended that the resolution of July 6, 1922 aforesaid, in so far as it approves the installation of such turnstiles upon the stations of the Existing Manhattan Railroad as so defined as an Addition to the Railroads under said additional track certificate be rescinded; and

Whereas, This Commission concurs in the opinion so expressed,

Resolved, That the resolution of July 6, 1922 in so far as it approves of the installation of the pre-payment turnstiles on the stations of the Existing Manhattan Railroad, as defined in the said Additional Track and Extension Certificates and the designation of the proper classification therefor, be and the same hereby is in all respects revoked and rescinded.

165—R. T. 6597, 6761

Elevated Extension Certificate—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Purchase of Ten Automatic Turnstiles to Be Installed on Stations on Extensions of Elevated Lines—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Assigning Work Order No. IEA-1—Approval Resolution

An application dated January 9, 1923, from the Interborough Rapid Transit Company requesting approval of a proposed purchasing agent's order to be issued to the General Electric Company for furnishing ten automatic prepayment turnstiles to be installed at stations on extensions to the elevated line at a cost of \$2,580, was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 18, 1923, recommending that the application be approved from an engineering standpoint, was also presented.

A report by the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated January 29, 1923, assigning Work Order No. IEA-1 to the work, was also presented.

The following resolution was adopted:

Whereas, By resolution adopted on July 6, 1922 this Commission approved pursuant to the provisions of the certificate dated March 19, 1913 granted to Interborough Rapid Transit Company for certain Extensions to the Existing Elevated Railroads, known as the Webster Avenue Line, the Eighth Avenue and 162nd Street Connection, Queensboro Bridge Line and the West Farms Subway Connection, the installation of automatic pre-payment turnstiles (of a character and design similar to the turnstiles installed in the subway portions of the lines of the Interborough Rapid Transit Company with the approval of this Commission) upon the stations of said Extensions and by said resolution classified such work as Additions to the Railroads as defined in said Elevated Extension Certificate and to which work this Commission in and by said resolution assigned Work Order No. IEA-1; and

Whereas, By communication dated January 9, 1923 said Interborough Rapid Transit Company, has in accordance with the provisions of said Elevated Extension Certificate submitted to this Commission for its approval proposed purchasing agent's order dated January 9, 1923 directed to the General Electric Company for the purchase of the following:

- 10 Turnstiles, electric type, automatic twoway pre-payment, General Electric Company's type R.J. 1, form A complete with their type J.P. 1 coin box equipped with slug detector device and lens.
 Price: \$258.00 each \$2,580.00
 To be delivered to our 128th Street and Second Avenue Storehouse, New York, N. Y.
 Shipment to begin in ten weeks.
 Note: No other bidders as these are exact duplicates of those furnished by the General Electric Company as per application No. 274, dated March 20th, 1922.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 438"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated January 18, 1923, reported that the type of turnstile proposed is satisfactory; that the price is reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have, by communication dated January 29, 1923, recommended that the said proposed purchasing agent's order for the ten turnstiles to be installed on the stations of the Railroads as defined in the said Elevated Extension Certificate be approved under Work Order No. IEA-1 assigned by resolution of this Commission adopted on July 6, 1922, as aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Further Resolved, That nothing herein contained shall be deemed or construed to be an approval by this Commission of the purchase of turnstiles for other than the stations of the Railroads, as defined in said certificate dated March 19, 1913 for Elevated Extensions.

166—R. T. 7556, 6555

Route No. 26—Proposed Lease by Contractor of Vacant Property at Northwest Corner of Vernon Avenue and Fourth Street for Storage of Steel in Connection with Contract for Reconstruction of Jackson Avenue Station—Approval Resolution

The following resolution was adopted:

Resolved, That the Transit Commission do and hereby does approve the proposed lease dated February 2, 1923 between Joslin Construction Co., Inc., and The City of New York, acting by this Commission, of the vacant plot situated on the northwesterly corner of Vernon Avenue and Fourth Street, Borough of Queens, for the term of one year at the nominal rental of \$1.00, now submitted by Counsel, said property to be utilized for the storage of structural steel for incorporation in the work of reconstructing a part of the Queensboro Subway Rapid Transit Railroad, Route No. 26, Jackson Avenue Station, pursuant to the contract therefor dated July 5, 1922, between The City of New York and said Joslin Construction Co., Inc.

Further Resolved, That the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed lease.

167—R. T. 7409

Route No. 20—Communication from Board of Estimate and Apportionment Transmitting Copy of Communication from Bath Beach Community Council with Respect to Accidents at Canal Street Subway Station Due to Lack of Guard Rails—Referred to Counsel and Chief Engineer

The following communication from the Board of Estimate and Apportionment and the enclosure mentioned therein were referred to Counsel and the Chief Engineer:

(Cal. No. 168)

February 2, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

I transmit herewith copy of a communication dated January 16, 1923, from the Bath Beach Community Council, calling attention to fatal accidents on the Canal Street subway station of the B. R. T. due to lack of guard rails and requesting the Board to endeavor to have the Transit Commission execute the contract for the installation of these guard rails, approved by the Board on March 3, 1922.

At the meeting of the Board of Estimate and Apportionment on February 2, 1923, this matter was referred to the Transit Commission for immediate consideration.

Respectfully,

JAMES MATTHEWS,
Assistant Secretary.

168—R. T. 6291

Route No. 45—Report by Chief Engineer Recommending Approval of Connection of Two Tracks of Loop Line with Nassau Street Line and Construction of Tail Track for Turning Back Trains at Chambers Street Station—Approved

A report by the Chief Engineer dated January 31, 1923, recommending that in the preparation of plans for the Nassau Street Line that a connection be provided for only two tracks of the loop line with the Nassau Street Line and that a tail track be provided for the turning back of trains at the Chambers Street Station, was approved.

169—Case 1292

The New York Central Railroad Company—Operation of Freight Trains on Eleventh Avenue—Report Approved

The Acting Secretary presented a report, dated February 3, 1923, by the Chief of Transit Bureau, approved by the Acting Chief Executive Officer, stating that permission had been granted The New York Central Railroad Company to suspend the Order of the Public Service Commission for the First District, dated December 13, 1910 herein, from February 2 to February 4, 1923.

The Commission approved the action of the Chief of Transit Bureau and ordered the report filed.

170—Case 1292

The New York Central Railroad Company—Operation of Freight Trains on Eleventh Avenue—Suspension Order Adopted

The Acting Secretary presented an application of The New York Central Railroad Company, dated January 31, 1923, requesting a suspension of the Order of the Public Service Commission for the First District herein, dated December 13, 1910, to March

31, 1923; and a report by the Chief of Transit Bureau, approved by the Acting Chief Executive Officer, dated February 5, 1923, recommending that the application be approved.

The Commission adopted and ordered filed an Order in Case No. 1292, suspending the Order of the Public Service Commission for the First District herein dated December 13, 1910, to and including March 31, 1923.

171—Case 2671

Nassau Bus Line, Inc.—Application for Certificate of Convenience and Necessity —Resolution Authorizing Certificate; and Certificate of Convenience and Necessity Approved—Order Authorizing Exercise of Franchise Adopted—Opinion Approved

The Acting Secretary presented a report and opinion by Commissioner O’Ryan, dated February 7, 1923, recommending that the application herein be granted and that the Commission approve a certificate of convenience and necessity to the Nassau Bus Line, Inc., to operate over the route in the petition indicated.

The Commission approved the above mentioned opinion and adopted and ordered filed an Order in Case No. 2671, permitting the said Nassau Bus Line, Inc., to exercise its franchise and also approved a certificate of convenience and necessity in Case No. 2671, to the Nassau Bus Line, Inc., to operate buses in Far Rockaway, in the Borough of Queens, over the routes specified.

The order and certificate were in the following form:

At a meeting of the Transit Commission of the State of New York, held at its office, No. 49 Lafayette Street, in the Borough of Manhattan, City of New York, on the 7th day of February, 1923.

Present:

GEORGE MCANENY, Chairman.	} COMMISSIONERS
LEROY T. HARKNESS,	
JOHN F. O’RYAN.	

IN THE MATTER
of the
Application of NASSAU BUS LINE, INC., for a Certificate of Convenience and Necessity pursuant to the Transportation Corporations Law to operate buses in Far Rockaway, Borough of Queens.

CASE No. 2671
ORDER GRANTING PERMISSION TO EXERCISE FRANCHISE.

Nassau Bus Line, Inc., having by communication dated January 20, 1923 made application to the Commission for a Certificate of Public Convenience and Necessity pursuant to the Transportation Corporations Law to operate a bus line or route in Far Rockaway, Borough of Queens, City of New York, in and upon the streets, avenues and highways hereinafter described, and the Commission having on the 23rd day of January, 1923 adopted an order for a public hearing herein and the said application having come on to be heard before the Commission on the 6th day of February, 1923, at 10:30 o’clock in the forenoon, and Paul M. Weidman, President of Nassau Bus Line, Inc., appearing in support of the application and Mr. Carleton S. Cooke, Assistant Counsel to the Commission, attending, and no one appearing in opposition to said application, and it appearing that due notice of the hearing had been served upon all parties interested, and the Commission after due deliberation upon the application

aforesaid, the franchise contract between the City of New York and the Nassau Bus Line, Inc., dated the 5th day of February, 1923, and upon the proceedings at said hearing having found and determined that public convenience and necessity require the operation of the said bus line or route aforesaid, and that the Commission should permit and approve the exercise of the franchise of the Nassau Bus Line, Inc.,

Ordered, That the permission and approval of this Commission be and it is hereby granted to Nassau Bus Line, Inc. to exercise said franchise pursuant to the franchise contract aforesaid by operating stages or omnibuses over the following described streets, avenues and highways in Far Rockaway, Borough of Queens, City of New York, namely:

"Beginning at the intersection of Central Avenue with the Nassau County Line at or near McNeil Avenue; thence along Central Avenue or Beach 20th Street to Cornaga Avenue; thence along Cornaga Avenue to White Street; thence along White Street or Beach 21st Street to Mott Avenue; thence along Mott Avenue to Central Avenue."

BY THE COMMISSION
ARTHUR MCKINNEY,
Acting Secretary.

STATE OF NEW YORK
TRANSIT COMMISSION

IN THE MATTER
of the

Application of NASSAU BUS LINE, INC., for a Certificate of Convenience and Necessity pursuant to the Transportation Corporations Law, to operate buses in Far Rockaway, Borough of Queens.

CASE No. 2671
CERTIFICATE OF PUBLIC
CONVENIENCE AND NE-
CESSITY.
February 7, 1923

Nassau Bus Line, Inc. having by communication dated January 30, 1923 made application to the Commission for a Certificate of Public Convenience and Necessity pursuant to the Transportation Corporation Law to operate a bus line or route in Far Rockaway, Borough of Queens, City of New York, in and upon the streets, avenues and highways hereinafter described, and the Commission having on the 23d day of January, 1923 adopted an order for a public hearing herein and the said application having come on to be heard before the Commission on the 6th day of February, 1923 at 10:30 o'clock in the forenoon, and Paul M. Weidman, President of Nassau Bus Line, Inc. appearing in support of the application and Mr. Carleton S. Cooke, Assistant Counsel to the Commission, attending, and no one appearing in opposition to said application, and it appearing that due notice of the hearing had been served upon all parties interested, and the Commission after due deliberation upon the application aforesaid, the franchise contract between the City of New York and the Nassau Bus Line, Inc. dated the 5th day of February, 1923, and upon the proceedings at said hearing having found and determined that public convenience and necessity require the operation of the said bus line or route aforesaid,

Now, Therefore, the Transit Commission does hereby find, determine and certify that public convenience and necessity require the operation of such bus line or route over the following streets, avenues and highways, namely:

"Beginning at the intersection of Central Avenue with the Nassau County Line at or near McNeil Avenue; thence along Central Avenue or Beach 20th Street to Cornaga Avenue; thence along Cornaga Avenue to White Street; thence along White Street or Beach 21st Street to Mott Avenue; thence along Mott Avenue to Central Avenue."

pursuant to the franchise contract between the City of New York and said Nassau Bus Line, Inc. duly made and executed by the parties thereto on the 5th day of February, 1923.

TRANSIT COMMISSION
By GEORGE McANENY,
Chairman.

Attest:
ARTHUR MCKINNEY,
Acting Secretary.

172—Case 2664

Richmond Light and Railroad Company—Application for Authority to Transfer Railroad Property to Richmond Railways, Inc., and for the Approval of Stock and Bond Issue by Latter Company

The Acting Secretary presented a report and opinion dated February 6, 1923, by Commissioner O'Ryan, recommending for the reasons and upon the conditions in said report contained that the application be granted.

The Commission approved said report and ordered same filed.

173

New York and Queens County Railway Company—Steinway Lines—Receivers—Communication from District Attorney of Queens Referred to Commissioner Harkness

The Acting Secretary presented a communication from the District Attorney, dated February 5, 1923, commenting upon the situation resulting from the necessary transfer of passengers at Woodside, Queens County, from the cars operated by the New York & Queens County Railway Company to those operated by the Receivers of the Steinway Lines of said company and vice versa.

The Commission ordered said communication referred to Commissioner Harkness.

174—Case 2253

The New York Central Railroad Company—238th Street Bridge—Report Filed

The Acting Secretary presented a report by Assistant Counsel Cooke, dated February 1, 1923, advising that the Commission had been served with an Order staying the proceedings under the mandamus order herein pending an appeal therefrom.

The Commission ordered the report filed.

175—R. T. 7626

Route No. 8, Section No. 6A-1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract and Authorizing Appropriation of \$750,982.75—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Communications and Contract Ordered Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 19, 1923, was ordered filed:

(Cal. No. 240)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated December 27, 1922, the Board of Estimate and Apportionment does hereby consent to the contract with Frederick L. Cranford, Inc., for the construction of a part of the Fourteenth Street-Eastern Rapid Transit Railroad, Route No. 8, Section 6A-1 (Bushwick Avenue) Station 204/77.5 to Section 212/00 (under Contract No. 4), at an estimated cost of seven hundred and fifty thousand nine hundred and eighty-two dollars and seventy-five cents (\$750,982.75); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be seven hundred and fifty thousand nine hundred and eighty-two dollars and seventy-five cents (\$750,982.75); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1921, as amended, the provisions of chapter 45 of the Greater New York Charter, and the requisition of the Transit Commission, dated December 27, 1922, the Comptroller be and he is hereby authorized and requested to issue corporate stock of The City of New York to the amount of seven hundred and fifty thousand nine hundred and eighty-two dollars and seventy-five cents (\$750,982.75), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes specified in said requisition in respect to the contract known as Contract No. 4 between The City of New York, acting by the Public Service Commission for the First District, and the New York Municipal Railway Corporation; said appropriation of seven hundred and fifty thousand nine hundred and eighty-two dollars and seventy-five cents (\$750,982.75) of corporate stock from the debt-incurring power of the City being stated in the requisition of the Transit Commission, dated December 27, 1922, as being required to meet the estimated expense to the City of carrying out said contract with Frederick L. Cranford, Inc., for the construction of a part of the Fourteenth Street-Eastern Rapid Transit Railroad, Route No. 8, Section 6A-1 (Bushwick Avenue), Station 204/77.5 to Station 212/00 (under Contract No. 4); and said authorization of seven hundred and fifty thousand nine hundred and eighty-two dollars and seventy-five cents (\$750,982.75) is in addition to the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the supplementary general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 19, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated January 21, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

An original contract dated February 1, 1923, between the Transit Commission and Frederick L. Cranford, Inc., which contract had been executed on behalf of both parties, and delivered on February 5, 1923, was also ordered filed.

176—R. T. 7623

Agreement "CH"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Furnishing Two Elevators at 168th Street Station and Authorizing Appropriation of \$89,550—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 26, 1923, was ordered filed:

(Cal. No. 250)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated December 27, 1922, as modified by the requisition of said Transit Commission, dated January 9, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with the Otis Elevator Company for furnishing and installing two electric passenger elevators in the new entrance to the 168th street station of the Manhattan-Bronx Rapid Transit Railroad (being constructed pursuant to the contract consented to by this Board on May 5, 1922, such work forming part of that included in the agreement, dated June 21, 1917, and consented to by this Board on May 25, 1917, modifying the contract for the construction, equipment and operation of the Manhattan-Bronx Rapid Transit Railroad, known as Contract No. 1, providing that the performance of the work of constructing an additional station entrance to the 168th street station of said rapid transit railroad shall be carried out under a separate contract after competitive bidding instead of under the provisions of said contract No. 1, the cost thereof to be charged against the cost of construction

of said rapid transit railroad and included in determining the amount of annual rental to be paid the City under said Contract No. 1), at an estimated cost of eighty-nine thousand five hundred and fifty dollars (\$89,550); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be eighty-nine thousand five hundred and fifty dollars (\$89,550); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission dated December 27, 1922, as modified by the requisition of said Transit Commission, dated January 9, 1923, the Comptroller be and he is hereby authorized and requested to issue corporate stock of The City of New York to the amount of eighty-nine thousand five hundred and fifty dollars (\$89,550) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract with the Otis Elevator Company for furnishing and installing two electric passenger elevators in new entrance of the 168th street station of the Manhattan-Bronx Rapid Transit Railroad; said appropriation of eighty-nine thousand five hundred and fifty dollars (\$89,550) being in addition to the amount heretofore authorized for the purposes of meeting the City's obligations under Rapid Transit Contract No. 1 for the construction, maintenance and operation of the Manhattan-Bronx Rapid Transit Railroad as modified by the agreement, dated June 21, 1917, and consented to by this Board on May 25, 1917, for the purpose of constructing the additional entrance to the 168th street station of said rapid transit railroad.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 26, 1923.

JAMES MATTHEWS,
Assistant Secretary.

177—R. T. 7549

Contract No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Issue of Tax Notes in Sum of \$26,000 to Be Used for Relocation of Stairways at 157th Street Station—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 19, 1923, was ordered filed:

(Cal. No. 239-A)

Resolved, By the Board of Estimate and Apportionment, that pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding twenty-six thousand dollars (\$26,000) which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which, to the amount of the par value thereof, to be used for the relocation of subway stairways at the southeast and northwest corners of 157th street and Broadway, and work incidental thereto, under the jurisdiction of the President, Borough of Manhattan; the work of such relocation to be performed by the operating company under the supervision of the Transit Commission, the cost thereof to be certified upon vouchers prepared by the Transit Commission and endorsed by the President of the Borough of Manhattan.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 19, 1923.

JAMES MATTHEWS,
Assistant Secretary.

178—R. T. 6114

Contract No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Requesting Commission to Prepare Plans and Specifications for Additional Entrance and Exit at 168th Street Station—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment, on January 19, 1923, was ordered filed:

Resolved, That the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby request the Transit Commission to prepare the necessary plans and specifications for the construction of an additional subway entrance and exit on the easterly side of St. Nicholas avenue connecting with the 168th street station of the Manhattan-Bronx Rapid Transit Railroad, by means of an underground passageway, the cost thereof to be charged under the provisions of article 70 of the contract known as Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 19, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(See minutes of January 30, 1923.)

179—R. T. 7508

Route No. 12, Section No. 2—Certified Copy of Resolution of Board of Estimate and Apportionment Transferring \$53.66 to Department of Parks for Restoration of Pavement under Contract for Completion of Street and Park Surface along Eastern Parkway—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 26, 1923, was ordered filed:

(Cal. No. 125.)

Resolved, That, in accordance with the request of the Transit Commission, dated December 12, 1922, the Comptroller be and he is hereby authorized to transfer the sum of fifty-three dollars and sixty-six cents (\$53.66) from the unencumbered balance of twenty thousand nine hundred and sixty-two dollars and forty-six cents (\$20,962.46) in Code CCM-321-B-4, being the appropriation provided for the completion of street and park surface restoration over the portion of Eastern parkway, Brooklyn, interfered with in the construction of section 2, route 12, of the Eastern Parkway Rapid Transit Railroad; and that the said sum of fifty-three dollars and sixty-six cents (\$53.66) be credited to Code S-102-C, "Restoring and Repaving, Department of Parks, Brooklyn and Queens," from which the said sum was paid by the Department of Parks in the restoration of the asphalt pavement over a portion of a pipe trench which had been opened across the roadway of Eastern parkway in connection with subway work, the restoration of which pavement was part of the work to be done under the contract for the completion of restoration of street and park surfaces at section 2, route 12, of the Eastern Parkway Rapid Transit Railroad, the cost of said restoration work, done by the Park Department, being chargeable against rapid transit funds; and be it further

Resolved, That the unencumbered balance of twenty thousand nine hundred and eight dollars and eighty cents (\$20,908.80) remaining after the transfer of said fifty-three dollars and sixty-six cents (\$53.66), be and the said amount is hereby *rescinded* and is to be credited back to the general appropriation of corporate stock, CCM-300, heretofore provided by the Board of Estimate and Apportionment for the purpose of meeting the City's obligation under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 26, 1923.

JAMES MATTHEWS,
Assistant Secretary.

180—R. T. 7460

Agreement "AU"—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Additional Appropriation of \$175.68 for Miscellaneous Construction and Station Finish, Group III—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 19, 1923, was ordered filed:

(Cal. No. 238)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated December 27, 1922, the Board of Estimate and Apportionment does

hereby consent to an additional appropriation for extra work under the contract with Gustin-Morris Contracting Corporation for the performance of miscellaneous construction and station finish work in municipal rapid transit railroads (Agreement "AU") Group III, at an estimated cost of one hundred and seventy-five dollars and sixty-eight cents (\$175.68); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be one hundred and seventy-five dollars and sixty-eight cents (\$175.68); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one hundred and seventy-five dollars and sixty-eight cents (\$175.68) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of *sixty million dollars* (\$60,000,000) made by the Board of Estimate and Apportionment on *March 18, 1913*, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 19, 1923.

JAMES MATTHEWS,
Assistant Secretary.

181—R. T. 7551

Agreement "CB"—Certified Copy of Resolution of Board of Estimate and Apportionment Denying Request for Approval of Contract for Construction of Additional Stairway at Mott Avenue and East 138th Street—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 19, 1923, was ordered filed:

(Cal. No. 241.)

Resolved, That the Board of Estimate and Apportionment hereby *denies* the request of the Transit Commission, as set forth in a requisition dated November 28, 1922, that this Board consent to a proposed contract (Agreement "CB") with Hamme and Jackson, Inc., for the construction of an additional stairway from the northeast corner of Mott avenue and East 138th street, to the Mott Haven-138th Street Station of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad (Contract No. 3), and also to authorize an issue of corporate stock to the amount of six thousand seven hundred and twenty-three dollars (\$6,723) as a subauthorization against the general appropriations made for the purpose of carrying out the contract dated March 19, 1913, between The City of New York and the Interborough Rapid Transit Company, known as Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 19, 1923.

JAMES MATTHEWS,
Assistant Secretary.

182—R. T. 6013

Contract No. 2—Communication from Interborough Rapid Transit Company Submitting Copy of Agreement with Long Island Railroad Company for Alterations in Station Layout at Atlantic Avenue—Filed

A communication dated January 11, 1923, from the Interborough Rapid Transit Company by H. M. Fisher submitting a copy of an agreement dated November 27, 1922, with The Long Island Railroad Company providing for certain alterations in the present station layout at Atlantic Avenue, was ordered filed.

183—R. T. 6892**Route No. 8, Section No. 2—Communication from Commissioner of Public Works Accepting Completed Sewer in Fourteenth Street between Irving Place and 660 Feet East of Avenue "A," Borough of Manhattan—Filed**

A communication dated January 30, 1923, from Joseph Johnson, Commissioner of Public Works, accepting for future maintenance and control the completed sewer in Fourteenth Street from Irving Place to about 660 feet east of Avenue "A", Borough of Manhattan, restored in connection with the contract for the completion of Section No. 2 of Route No. 8, was ordered filed.

184—R. T. 7177**Routes Nos. 36 & 37—Communication from Acting Corporation Counsel Transmitting Copy of Order of Supreme Court Extending Time for Removal of Fill from Site for Car Storage Yard—Filed**

A communication dated February 2, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, enclosing a copy of an order of the Supreme Court, Queens County, dated January 19, 1923, extending the time of the Degnon Realty and Terminal Improvement Company, from November 5, 1922 to November 1, 1923, within which to remove the excess fill from the site of the Corona Storage Yard, was ordered filed.

185—R. T. 7038**Route No. 50—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements Acquired in Front of Premises at Nos. 11 and 13 Davis Street, Long Island City—Filed**

A communication dated February 3, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, transmitting an original deed of release dated September 22, 1922, executed by Laurie MacLeod, as owner, and Theodore Greentree, as mortgagee, granting to the City certain easements in front of the premises at Nos. 11 and 13 Davis Street, Long Island City, was ordered filed.

186—R. T. 7038**Route No. 50—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements Acquired in Front of Premises No. 20 Ely Avenue, Long Island City—Filed**

A communication dated February 3, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, transmitting an original deed of release dated July 21, 1922, executed by Catherine McGrath, granting to the City certain easements in front of the premises No. 20 Ely Avenue, Long Island City, was ordered filed.

187—R. T. 7369, 7005

Route No. 8—Copy of Communication to Receiver of New York Municipal Railway Corporation Directing Installation of Equipment Necessary for Operation of Fourteenth Street-Eastern Line—Filed

A copy of the following communication was ordered filed:

February 2, 1923.

LINDLEY M. GARRISON, AS RECEIVER OF NEW YORK
MUNICIPAL RAILWAY CORPORATION AND NEW YORK
MUNICIPAL RAILWAY CORPORATION,
85 Clinton Street,
Brooklyn, New York.

Sirs:

The rate in the progression of completion of the construction of the portion of the Fourteenth Street-Eastern Line described in the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, between its westerly terminus at or about Sixth Avenue and West 14th Street, in the Borough of Manhattan, and a point in the Borough of Brooklyn at or about the intersection of Bushwick Avenue and Montrose Avenue, is such that prompt initiation and expeditious completion of the installation of the necessary Equipment is essential in order to complete the installation of such Equipment required to be provided for the operation of said line, co-terminous with the completion of the construction of such portion of said line. Especially is this so because of the expiration of the ten-year period of suspension of the obligation under said Contract No. 4 to construct power houses and substations, prior to the time when such line can be placed in operation.

In accordance with the provisions of Article LII of Contract No. 4 this Commission accordingly declares said portion of the Fourteenth Street-Eastern Line to be ready for Equipment and hereby directs you, as Lessee under said Contract No. 4 and in accordance with the provisions thereof, to forthwith commence and expeditiously complete the installation of all Equipment necessary for operation of such portion of said line, including but not limited to power substation, cables and feeders, contact rail and distribution system, signals and interlocking, tunnel lighting, station lighting and heating, telephones and other communication systems, drainage and ventilating equipment, escalators, cars, conduits, etc.

Very truly yours,

LEROY T. HARKNESS,
Acting Chairman.

188—R. T. 7267

Routes Nos. 35 and 67—Report by Chief Engineer as to Approximate Date for Operation of Queensboro Subway Extension to Fifth Avenue Station—Filed

A report by the Chief Engineer dated January 19, 1923, stating that the extension of the Queensboro Subway to Fifth Avenue station could be placed in operation by January 1, 1925, at a cost of \$50,000, was ordered filed.

189

Telephone Service—Proposed Contract with New York Telephone Company for Telephone Service in Boroughs of Manhattan and The Bronx for Year 1923—Approval Resolution

The following resolution was adopted:

Whereas, The contract heretofore entered into by the Transit Commission with the New York Telephone Company, for telephone service in the Boroughs of Manhattan and The Bronx, City of New York, expired by limitation on December 31, 1922; and

Whereas, The Transit Commission deems it necessary to enter into a new contract providing for telephone service as hereinafter indicated,

Resolved, That the proposed contract between the New York Telephone Company and The City of New York, acting by the Transit Commission, for the following telephone service in the Boroughs of Manhahttan and The Bronx for the year beginning January 1, 1923, be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute said proposed contract in the form hereby approved for and on behalf of this Commission;

Call Number	Location	Annual Rate
Franklin 5801-9, 2053, 2267, 2351, 2641, 5827-31	49 Lafayette Street	\$3,918.00
Murray Hill 6597-8, 8270....	70 East 45th Street	348.00
Tremont 2776-7	441 East Tremont Ave.	217.50
Lexington 4240	241 East 14th Street	114.00
Longacre 1767	Bryant Park, S. E. cor. 42nd St. & 6th Ave... ..	72.00
Audubon 8818	2523-7th Avenue	48.00
Wadsworth 3687	West Side of Bway & 167th St.	73.20
Mott Haven 0163	N. E. Cor. 146th St. & Walton Av.	72.00
Mott Haven 3413	N. E. Cor. 146th St. & Walton Av.	40.00
Mott Haven 3568	N. E. Cor. 146th St. & Walton Av.	48.00
Tremont 3000	Jerome & Van Cortlandt Avs.	72.00
Westchester 3051	481 Morris Park Av.	102.00
Woodlawn 2488	241st St. & White Plains Rd.	102.00

190—R. T. 6595

Contract No. 4—Statements from New York Consolidated Railroad Company of Results of Operation for Month of December, 1922, and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

A communication dated February 5, 1923, from the New York Consolidated Railroad Company, by Howard Abel, Comptroller for Lindley M. Garrison, Receiver, submitting statements of Results of Operation for the month of December, 1922, for the period from August 4, 1913 to December 31, 1922, and the status of the Maintenance and Depreciation Funds, under Contract No. 4, was referred to the Chief Accountant.

191

Employees' Resolution No. 127

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment under Rule VIII:4—Edwin J. Gaiser, junior assistant, at \$125.08 per month, to take effect December 20, 1922; Charles B. Pinney, junior assistant, at \$125.08 per month, to take effect February 1, 1923.

Reinstatement under Rule XVI:1—Joseph J. Garlan, inspector of lumber, at \$165.00 per month, to take effect February 5, 1923.

Rescission of Transfer from State Commission of Highways—Gustave Chirlian, junior assistant, at \$125.08 per month, to take effect February 1, 1923.

Resignation (Exempt)—James C. Kellogg, assistant counsel, at \$300.00 per month, to take effect February 14, 1923.

Resignations—Edwin J. Gaiser, junior assistant, at \$125.08 per month, to take effect December 21, 1922; Joseph J. Garlan, inspector of lumber, at \$165.00 per month, to take effect February 5, 1923; Alexander S. Solow, draftsman, at \$150.08 per month, to take effect January 16, 1923.

Leave of Absence with Pay—Charles F. Feddern, draftsman, from December 18, 1922 to January 8, 1923; David Schubert, draftsman, from January 8, 1923 to January 21, 1923; Nettie Zucker, stenographer, from December 29, 1923 to January 14, 1923; January 16, 1923 to January 20, 1923.

192

Voucher Schedule No. 6

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 143-183, open market orders, \$1709.35; Vouchers Nos. 67-74, miscellaneous bills, \$4,475.32; Vouchers Nos. 19 and 20, City payrolls, \$279.00; Voucher No. CM-3, State payrolls, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 30, Eppinger & Russell Co.; approximate estimate No. 1 for the supply of treated ties (Order No. 6) for use in the construction of a part of the Fourteenth Street-Eastern Line from January 1 to January 31, 1923 (R. T. 7503) \$11,341.86;

Voucher No. 31; Station Finish Corporation, Assignee; approximate estimate No. 6 for the construction of station finish on Sections Nos. 3, 4 and 5 of Route No. 8, from January 1st to January 31st, 1923 (R. T. 7516) \$13,269.03;

Voucher No. 32; B. T. & J. J. Mack; approximate estimate No. 8 for the installation of tracks in the Livonia Avenue Yard, Route No. 31, from January 1st to 31st, 1923 (R. T. 7497) \$2,727.90;

Voucher No. 33; John Pollock; approximate estimate No. 1 for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Line, from December 28, 1922 to January 31, 1923 (R. T. 7609) \$1,513.76;

Voucher No. 34; Charles F. Adams & Son, Inc.; approximate estimate No. 7 for the construction of an entrance to Borough Hall Station through isle of safety, Agreement "AZ," January 1, 1923 to January 31, 1923 (R. T. 7466) \$1,619.33;

Voucher No. 35; J. H. Burton & Co., Inc.; approximate estimate No. 21 for storage and hauling of untreated ties and timbers for the rapid transit railroads, from November 1, 1922 to December 31, 1922 (R. T. 6881) \$369.55;

Voucher No. 36; T. H. Reynolds Contracting Co., Inc., approximate estimate No. 2 for the installation of tracks on Sections Nos. 1-5 of Route No. 8, from January 1 to January 31, 1923 (R. T. 7536) \$19,078.83;

Voucher No. 37; Rosenthal Engineering Contracting Co. Inc.; approximate estimate No. 6 for the construction of inspection shed enclosure for Route No. 18 (180th Street Yard) from January 1, 1923 to January 31, 1923 (R. T. 7457) \$11,632.53;

Voucher No. 38; Slattery Engineering & Construction Co., Inc.; approximate estimate No. 3 for the construction of additional approach track to the Lenox Avenue and 148th Street Yard, under Contract No. 3, from January 1, 1923 to January 31, 1923 (R. T. 7366) \$15,104.50.

193

Upon motion, duly seconded and adopted, the meeting was adjourned to Wednesday, February 14, 1923.

ARTHUR MCKINNEY,
Acting Secretary.

Proceedings for Thursday, February 8, 1923

194

The following hearing was held:

11:30 A.M.; R.T. 7636; Draft form of contract for construction of inspection shed and service buildings at Jerome Avenue Yard, Route No. 16. Chairman McAneny presided. Hearing closed.

ARTHUR MCKINNEY,
Acting Secretary.

Proceedings for Wednesday, February 14, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

195—R. T. 7577

Route No. 16—Report by Chief Engineer Recommending Extension of Time to February 1, 1923, within Which to Complete Contract for Installation of Frogs, Switches, Tracks and Bumping Posts in Jerome Avenue Yard—Approval Resolution

A report by the Chief Engineer dated February 8, 1923, recommending that an extension of time be granted to Slattery Engineering and Construction Company, Inc., to and including February 1, 1923, within which to complete work under the contract for the installation of frogs, switches, tracks and bumping posts in the Jerome Avenue Yard, was presented.

The following resolution was adopted:

Whereas, The contract dated October 26, 1922, between The City of New York, acting by the Transit Commission and Slattery Engineering and Construction Company, Inc., for the installation of frogs, switches, tracks and bumping posts in the Jerome Avenue Yard of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad, requires the completion of all work thereunder within eight (8) weeks from the date of the delivery thereof, which contract was delivered on October 30, 1922, the last date for completion being December 25, 1922; and

Whereas, The Chief Engineer of this Commission has by communication dated February 8, 1923, reported that all the work contemplated by said contract was completed within the prescribed period except for the installation of one turnout, that for the reasons therein more particularly set forth, this turnout was not completed until February 1, 1923; that the Contractor was not in any way responsible for such delay and recommends therefore that the time of the said contract be extended to and including February 1, 1923.

Resolved, That the said report and recommendation be and the same hereby is approved and that the time within which to complete all the work under said contract aforesaid be and the same hereby is extended to and including February 1, 1923.

196—R. T. 6695, 7530

Routes Nos. 4 and 46—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval of Installation of Signalling and Interlocking Equipment North of Times Square Station—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Classifying Work—Approval Resolution

A report by the Engineer of Equipment and Operation and the Chief Engineer dated January 16, 1923, recommending approval of the installation by the New York Municipal Railway Corporation of signalling and interlocking equipment to be installed in the express track north of Times Square Station of the Broadway-Fourth Avenue Line, at an estimated cost of \$3,700.00, was presented.

A report by the Auditor of Rapid Transit Costs and Assistant Chief Accountant dated February 7, 1923, classifying the work as Equipment of the Railroad for Initial Operation, was also presented.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, as Receiver of said New York Municipal Railway Corporation, has submitted for the approval of this Commission his proposal to install signal and interlocking equipment for the additional crossover to be installed in the express track north of the Times Square Station of the Broadway-Fourth Avenue Line in the Borough of Manhattan, as Equipment, as defined in said Contract No. 4; and

Whereas, By communication dated January 16, 1923 the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the total cost of the signalling and interlocking apparatus is estimated to be \$3700; that such work is necessary because of the installation of said crossover and will include the provision of an additional signal with its automatic stop, together with the necessary switching machines and the associated wiring, and recommend that the said proposal be approved; and

Whereas, By communication dated February 7, 1923 the Auditor of Rapid Transit Costs and the Assistant Chief Accountant have reported recommending the approval of such proposal and that such work be classified as Equipment of the Railroad for Initial Operation,

Resolved, That said reports and recommendations be and the same hereby are approved; that the proposal so submitted be and the same hereby is approved, such work to be classified as Equipment of the Railroad for Initial Operation in accordance with the provisions of said Contract No. 4.

197—R. T. 6080

Contract No. 3—Report by Real Estate Clerk Recommending Termination of Rental Agreement with James R. Ashley and Everett L. Booth as Tenants of Property at 146th Street-147th Street, Lenox Avenue and Harlem River—Approval Resolution

A report by the Real Estate Clerk dated February 9, 1923, recommending termination of the rental agreement with James R. Ashley and Everett L. Booth, effective as to the northerly portion of the block 146th Street-147th Street, Lenox Avenue and the Harlem River, on March 16, 1923, and as to the southerly portion of the block on April 16, 1923, was presented.

The following resolution was adopted:

Whereas, James R. Ashley and Everett L. Booth are in possession of the vacant land belonging to The City of New York, under the jurisdiction of the Commission, between Lenox Avenue and the Harlem River, West 146th and West 147th Streets,

in the Borough of Manhattan, by virtue of a rental agreement duly approved by the Commission June 28, 1921; and

Whereas, The Real Estate Clerk, under date of February 9, 1923, has reported that the Engineering Department has notified him that this area of land will be required for the purposes for which it was acquired, recommending that the rental agreement with the said James R. Ashley and Everett L. Booth be cancelled effective as to the northerly half of the area on March 16, 1923, and as to the southerly half of the area on April 16, 1923, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, terminate the said rental agreement, and that it do, and hereby does, authorize and direct the Secretary to notify the said James R. Ashley and Everett L. Booth to vacate the northerly half of the area of land herein referred to by 12:00 o'clock noon on March 16, 1923, and to vacate the southerly half of said area by 12:00 o'clock noon on April 16, 1923; and it is further

Resolved, That the Real Estate Clerk be, and he hereby is, authorized and directed to make the requisite adjustments of rental due from the said James R. Ashley and Everett L. Booth.

198—R. T. 7583

Route No. 39, Section No. 2—Report by Real Estate Clerk Recommending Notice to the Coney Island & Brooklyn Terminal Company to Remove All Personal Property from Yard Site North of Coney Island Creek and West of Shell Road, in Borough of Brooklyn—Approval Resolution

A report was presented from the Real Estate Clerk dated February 10, 1923, recommending that a notice be directed to the Coney Island & Brooklyn Terminal Company to remove all personal property from the site of the yard north of Coney Island Creek and west of Shell Road, Borough of Brooklyn, by March 1, 1923, which property was acquired by the City on February 1, 1923.

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of February 10, 1923, has reported that there appears to be personal property in the ownership of The Coney Island & Brooklyn Terminal Company on the land acquired by The City of New York in condemnation on February 1, 1923, and that the said land was before that date in the ownership of the said The Coney Island & Brooklyn Terminal Company, recommending that The Coney Island & Brooklyn Terminal Company be notified to remove from the said land all personal property that it may own by not later than 12:00 o'clock noon on March 1, 1923, in which recommendation Counsel has concurred; submitting a form of notice to the said The Coney Island & Brooklyn Terminal Company:

Resolved, That the Commission do, and it hereby does, authorize and direct the Secretary to notify The Coney Island & Brooklyn Terminal Company to remove all of the personal property that may belong to it from the land acquired by The City of New York in condemnation proceedings on February 1, 1923, north of Coney Island Creek and west of Shell Road, in the Borough of Brooklyn, which said land before that date belonged to the said The Coney Island & Brooklyn Terminal Company, by not later than 12:00 o'clock noon on March 1, 1923.

199—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Acceptance of Bid for Construction of Brick Stack at 59th Street Power House—Report by Consulting Engineer and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated January 20, 1923, requesting approval of the acceptance of the bid of Alphons Custodis Construction Company of \$27,280 for the construction of a radial brick stack known as Chimney No. 6 at the 59th Street Power House.

A report was presented from Consulting Engineer Dr. Charles E. Lucke and the Chief Engineer dated February 9, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By resolution adopted by this Commission on September 7, 1922, the application of the Interborough Rapid Transit Company for the approval of an expenditure of approximately \$262,260 for the installation of Additional Equipment as described in the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3, said Additional Equipment consisting of approximately \$135,000 for an additional stack at the 59th Street Power House, including alterations in steel work, floor and foundations; \$37,000 for additional D. C. cables and \$90,260 for new equipment and appurtenances to be installed incidental to the transfer of certain rotaries between substations of such work contemplated to provide additional power for the operation of additional cars, was approved and as to which approval this Commission assigned, in accordance with the provisions of said Contract No. 3, Work Order No. IBA-7; and

Whereas, By resolution adopted November 14, 1922 this Commission approved the proposed contracts together with the specifications and drawings made part thereof, for the construction of said Additional Stack (Chimney No. 6) at the 59th Street Power House aforesaid; and

Whereas, By communication dated January 20, 1923, the Interborough Rapid Transit Company has notified this Commission that bids were solicited in accordance with the specifications approved as aforesaid and that the Alphons Custodis Construction Company in presenting its bid for lining the steel stack also presented a bid for a Radial Brick Stack and showed that it was quite practical to build it; that subsequently bids were asked by Interborough Rapid Transit Company upon specifications prepared by it for such brick chimney and the following bids were received:

Alphons Custodis Construction Co.....	\$27,280.
M. W. Kellogg Co.....	28,388.
Heine Chimney Co.....	30,400.

; that the estimated cost of changes in roof to accommodate the enlarged stack and the lightning arresters amounts to \$2,700, which together with the low bid aforesaid amounts to \$29,980; that the lowest bid received for the steel stack amounted to \$30,164 and requested this Commission to approve of the award of the said proposed contract for the construction of said Chimney No. 6 of Radial Brick instead of steel; and

Whereas, By communication dated February 9, 1923, the Consulting Engineer on Power and the Chief Engineer of this Commission have reported with respect to said request of the Interborough Rapid Transit Company contained in its communication of January 20, 1923, that their investigation indicates that the brick stack to be constructed pursuant to the specifications therefor is suitable and adaptable for the purpose; that the price is reasonable and recommend that the said application of Interborough Rapid Transit Company for the approval of the award of said proposed contract to the Alphons Custodis Construction Company for the construction of said Radial Brick Stack be granted,

Resolved, That the said report and recommendation be and the same hereby are approved; that the application of Interborough Rapid Transit Company for the award of said proposed contract approved as aforesaid on November 14, 1922 for the construction of said Chimney No. 6 at the 59th Street Power House in accordance with the specifications of Interborough Rapid Transit Company for a Radial Brick Stack be and the same hereby is approved.

200—R. T. 7267

Routes Nos. 35 and 67—Communication from Counsel Transmitting Proposed Agreement for Changes in Ventilator Chamber in Front of Premises at Nos. 107-117 West 41st Street—Approval Resolution

A communication was presented from Counsel dated February 14, 1923, transmitting a proposed agreement with The James McCreery Realty Corporation providing

for a modification in the construction of a ventilator chamber in front of the premises at Nos. 107-117 West 41st Street, Borough of Manhattan, together with a check in the sum of \$900.00 as payment by the owner for the work.

The following resolution was adopted:

Whereas, Counsel, with his letter dated February 14, 1923, has submitted to this Commission a proposed agreement between The City of New York, acting by the Transit Commission, and The James McCreery Realty Corporation for the construction, maintenance and operation of a ventilator chamber in such manner as to avoid removing or disturbing the sidewalk elevator and elevator well, located in front of the premises Nos. 107-117 West Forty-first Street in the Borough of Manhattan, and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This proposed agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

201—R. T. 6080

Route No. 5, Section No. 15—Application by A. Vinci Caruso for Permission to Occupy Premises on Easterly Side of River Avenue South of East 157th Street, Borough of The Bronx, at Increased Rental—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from A. Vinci Caruso dated February 8, 1923, for permission to continue in occupancy of the premises on the easterly side of River Avenue south of East 157th Street, Borough of The Bronx, at an increased rental from \$65 per month to \$100 per month.

A report was presented from the Real Estate Clerk dated February 14, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, A. Vinci Caruso (Alfonso Vinci and Giuseppe Caruso) by communication dated February 8, 1923, has proposed to increase the present rental from \$65 to \$100 per month beginning March 1, 1923, and \$110 per month beginning January 1, 1924, if allowed to remain in possession of the premises after that date, on consideration of being allowed to use the portion of the premises not now occupied as a stone-yard for the parking of automobiles, the other terms of the existing rental agreement to remain as at present; and

Whereas, The Real Estate Clerk, under date of February 14, 1923, has reported on this application for a variation in the terms of the existing rental agreement recommending approval, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the variation in rent as set forth in the said communication dated February 8, 1923, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said communication of February 8, 1923.

202—R. T. 7409, C. 20410

Communication from Board of Estimate and Apportionment Submitting Communications as to Guard Rails at Canal Street Station and as to Discontinuance of Street Car Service on 34th Street, Manhattan—Referred to Chairman

The following communication, with the enclosures mentioned therein, was referred to the Chairman:

[February 14, 1923

February 9, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sirs:

I transmit herewith copies of the following described communications:

(Cal. No. 150.)

Communication dated January 30, 1923, from the Bath Beach Community Council, submitting additional information relative to the need of installing guard rails at the Canal Street subway station, Borough of Manhattan, to prevent accidents.

(Cal. No. 151.)

Communication dated January 27, 1923, from E. P. Flower, Superintendent of the French Line, Pier 74, North River, enclosing copy of petition to the New York Railways Company, signed by the business men of the district adjacent to 34th Street and 11th Avenue, Borough of Manhattan, protesting against the discontinuance of the street surface car service on 34th Street and 11th Avenue after 7 o'clock P. M., and all day Sunday.

At the meeting of the Board of Estimate and Apportionment on February 9, 1923, these matters were referred to the Transit Commission.

Respectfully,

JAMES MATTHEWS,
Assistant Secretary.

203—R. T. 7594

Routes Nos. 4 & 36 and 71—Report by Chief Engineer Recommending Preparation of Plans for Extension of Broadway Line so as to Permit Operation of Express Tracks to 57th Street Station—Opinion by Counsel Stating Extension May Be Built as Part of Broadway Line—Approved

A report was presented from the Chief Engineer dated February 6, 1923, recommending that he be authorized to prepare plans and contract for the extension of the Broadway Line under Central Park so as to permit the extension of express service to the 57th Street Station and that the construction be built along the line of proposed Route No. 71.

An opinion was presented from Counsel dated February 7, 1923, stating that the extension may be built as part of the Broadway Line, Routes Nos. 4 & 36 and that no further proceedings will be necessary to legalize the construction.

Upon motion, duly seconded and adopted, the Chief Engineer was directed to prepare plans and contract for the extension and to adhere to the proposed alignment of Route No. 71.

204—R. T. 6458

Contract No. 1—Report by Counsel Submitting Question as to Authorization for Construction of Additional Entrance to 96th Street Station—Motion Directing Work Be Done as Addition under Contract No. 3

A report was presented from Counsel dated February 9, 1923, submitting a question as to the authorization for the construction of an additional entrance to the 96th Street Station of the Manhattan-Bronx Rapid Transit Railroad as to whether the work should be done as Extra Work under Contract No. 1 or as an Addition under Contract No. 3.

Upon motion, duly seconded and adopted, it was directed that an agreement be prepared providing that the work be done as an Addition under Contract No. 3.

205—Case 2673

Ocean Electric Railway Company—Application for Authority to Issue Capital Stock—Hearing Order Adopted

The Acting Secretary presented:

- (1) Petition of the Ocean Electric Railway Company verified February 2, 1923, for the approval of an increase of its capital stock from \$50,000 to \$315,000.
- (2) Report by the Chief Accountant stating that there is no objection to the proposed increase.

The Commission adopted and ordered filed an Order in Case No. 2673, directing a hearing on said application before George L. Lucas, Acting Chief Executive Officer, therein duly designated to conduct the same on March 2, 1923, at 10:30 A. M.

206

Fifth Avenue Coach Company—Temporary Franchise—Filed

The Acting Secretary presented a resolution of the Board of Estimate and Apportionment, dated January 26, 1923, granting the Fifth Avenue Coach Company permission temporarily to operate stages or omnibuses along 57th Street to Park Avenue and along Park Avenue and Fourth Avenue to Astor Place; also along 38th Street between Fifth and Park Avenues, in the Borough of Manhattan.

The Commission ordered said document filed.

207—R. T. 7626

Route No. 8, Section No. 6-A1—Notice by Chief Engineer of Commencement of Work—Filed

A notice from the Chief Engineer dated February 10, 1923, advising of the commencement of work by Frederick L. Cranford, Inc. on February 5, 1923, for the construction of Section No. 6-A1 of Route No. 8 of the Fourteenth Street-Eastern Line, was ordered filed.

208—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Submitting List of Sub-contracts Approved during Month of January, 1923—Filed

The following report by the Chief Engineer was ordered filed:

TO TRANSIT COMMISSION:

February 10, 1923.

I submit, as follows, a list of sub-contracts approved by this Department during the month of January.

Route No.	Section No.	Contractor	Sub-contractor	Date of Approval	Materials
8	1 to 5 Inclusive, Track Installation.	T. H. Reynolds Cont. Co., Inc.	Goodwin - Gallagher Sand & Gravel Corp.	1/20/23	Sand & Gravel, T. C. Inspected.
			Lawrence Cement Co.	1/20/23	Portland Cement, T. C. Inspected.
			New York Trap Rock Corp.	1/20/23	Ballast, T. C. Inspected.
			Concrete Steel Co.	1/20/23	Reinforcing Rods, T. C. Inspected.

[February 14, 1923

Route No.	Section No.	Contractor	Sub-contractor	Date of Approval	Materials
18	239th St. Yard Installation of tracks (including furnishing part of track materials and construction of drainage system and concrete inspection pits).	Michael Del Balso	Noonan Building Material Co.	1/12/23	"Lehigh" Portland Cement, T. C. Inspected.
35 & 67		Powers-Kennedy Cont. Corp.	Hunterspoint Lumber & Supply Co.	1/18/23	Gravel, T. C. Inspected.
	Agreement "AZ"—Entrance to Borough Hall Station through Isle of Safety.	Chas. J. Adams & Sons, Inc.	Sicilian Asphalt Paving Co.	1/5/23	Asphalt top.
	Agreement "CD"—Transformer closets for Emergency lighting.	John Pollock	Benjamin Moore & Co. J. P. Duffy Company. N. Ryan Co.	1/27/23 1/8/23 1/8/23	Paint. Hollow tile and brick. Sand, gravel and cement.
			Standard Iron Works.	1/18/23	Type J & J T doors and ladders.
			Knoburn Fire-proof Co.	1/18/23	Kalamein work.
	Second Addition to Shops, 148th St. and Lenox Ave. Yard.	Jacob Schlesinger, Inc.	Fireproof Products Co.	1/31/23	50 1/2" Gabriel Ovoid Bars in place of Have-meyer Bars previously approved.
	Third Addition to Shops, 148th St. and Lenox Ave. Yard — Constructing Foundations.	Rosenthal Engineering Cont. Co., Inc.	International Clay Products Co.	1/4/23	Vitrified clay conduits.
			Theodore C. Wood, Inc.	1/4/23	"Lehigh" and "Vulcanite" Portland cement.
			Theodore C. Wood, Inc.	1/4/23	Brick and lime.
			Dixie Lumber Co.	1/4/23	Piles.
			Colonial Sand & Stone Co.	1/4/23	Sand and Gravel.
			John Fox & Co.	1/4/23	Miscellaneous iron castings.
			Concrete Steel Co.	1/4/23	Reinforcing rods.
			Valcan Rail & Construction Co.	1/4/23	Structural steel.
			John Fox & Co.	1/4/23	Cast-iron pipe and special castings.
			Liomin & Wales	1/10/23	Metal forms.
			H. Johnson	1/10/23	Pile Driving.
			Frank White	1/10/23	Waterproofing.
	Contract No. 1, 168th St. Station.	Holbrook, Cabot & Rollins Corp.	Russell & Erwin Manfg. Co.	1/30/23	Hardware.

ROBERT RIDGWAY,
Chief Engineer.

209—R. T. 7587

Agreement "CA"—Certified Copy of Resolution of Board of Estimate and Apportionment Rescinding Sum of \$9,655.00 Appropriated for Transformer Closets—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on February 2, 1923, was ordered filed:

(Cal. No. 167-A)

Resolved, That the resolution adopted by the Board of Estimate and Apportionment on November 3, 1922, consenting to a contract with Seymour Construction Co., Inc., for the construction of transformer closets for emergency lighting for part of the Broadway-Fourth Avenue Rapid Transit Railroad, in the Borough of Manhattan, at an estimated cost of nine thousand six hundred and fifty-five dollars (\$9,655), and authorizing an issue of corporate stock in a like amount (as a subauthorization against the funds appropriated for Contract No. 4), to be applied to the purposes of said contract, be and the same hereby is *rescinded*.

A true copy of resolution adopted by the Board of Estimate and Apportionment, February 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

210—R. T. 7587

Agreement "CA"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Construction of Transformer Closets and Authorizing Appropriation of \$13,428.00—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on February 2, 1923, was ordered filed:

(Cal. No. 167-B)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated January 23, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with B. T. & J. J. Mack, Inc., for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Boroughs of Manhattan and Queens, Agreement "CA," at an estimated cost of thirteen thousand four hundred and twenty-eight dollars (\$13,428); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be thirteen thousand four hundred and twenty-eight dollars (\$13,428); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding thirteen thousand four hundred and twenty-eight dollars (\$13,428), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, February 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated February 8, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

211

Expenses—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$200,000 as Expenses for Year Ending December 31, 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on January 31, 1923, was ordered filed:

(Cal. No. 17)

Resolved, That the Board of Estimate and Apportionment, in accordance with the requisition of the Transit Commission dated December 7, 1922, and pursuant to the provisions of chapter 134 of the Laws of 1921, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby authorizes an appropriation in the sum of two hundred thousand dollars (\$200,000), in addition to the amount heretofore appropriated, to properly enable the Transit Commission to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by the said law; and the Comptroller is hereby authorized, pursuant to law and the said requisition of the Transit Commission, to issue special revenue bonds of The City of New York to an amount not exceeding two hundred thousand dollars (\$200,000), redeemable from the tax levy of the year next succeeding the year of their issue, the proceeds to be used for the purposes aforesaid.

A true copy of resolution adopted by the Board of Estimate and Apportionment, January 31, 1923.

JAMES MATTHEWS,
Assistant Secretary.

212

Employees' Resolution No. 128

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect February 13, 1923; Mervil Broadbent, engineering inspector, at \$150.08 per month, to take effect February 13, 1923.

Resignations—Louis S. Amreich, junior assistant, at \$125.08 per month, to take effect February 15, 1923; Jacob Berman, draftsman, at \$150.08 per month, to take effect February 7, 1923; James Bousfield, draftsman, at \$150.08 per month, to take effect February 3, 1923.

Promotion—Harvey Malcolm, draftsman, from \$137.50 to \$150.08 per month, to take effect January 1, 1923.

Change of Item in Resolution of January 9, 1923, Concerning Gussie Siebel, so as to Read as Follows: (Leave of absence with pay)—Gussie Siebel, clerk, from February 6, 1923 to February 14, 1923; from March 1, 1923 to March 15, 1923; from April 1, 1923 to April 15, 1923; from May 1, 1923 to May 5, 1923.

Leave of Absence Without Pay—Gussie Siebel, clerk, from February 15, 1923 to February 28, 1923; from March 16, 1923 to March 31, 1923; from April 16, 1923 to April 30, 1923.
and be it further

Resolved, That all bonus payments shall cease and in each case the amount thereof shall be added to the base salary of the employee, effective January 1, 1923.

213

Voucher Schedule No. 7

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 184-195, open market orders, \$3,145.84; Vouchers Nos. 75-96, miscellaneous bills, \$2,661.76; Vouchers Nos. 21-29, City payrolls, \$86,145.29.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Railroads for the Periods Indicated Below:

- Voucher No. 39; Michael Del Balso, approximate estimate No. 1 for the installation of tracks, including the furnishing of part of the track materials and the construction of drainage system and concrete inspection pits for a portion of the White Plains Road Line, 239th Street Yard, from November 25, 1922 to January 31, 1923 (R. T. 7528) \$29,948.40;
- Voucher No. 40; Holbrook, Cabot & Rollins Corporation; approximate estimate No. 8 for the construction of a new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad of the City of New York, from January 1, 1923 to January 31, 1923 (R. T. 6114) \$9,224.54;
- Voucher No. 41; Lindley M. Garrison, Receiver, New York Municipal Railway Corporation; approximate estimate No. 1, and final, for additional bracing of the elevated structure at Tenth Avenue and 39th Street, Route No. 39, Section No. 2, to February 6, 1923 (R. T. 7543) \$4,947.19;
- Voucher No. 42; Powers-Kennedy Contracting Corporation; approximate estimate No. 8 for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Routes Nos. 35 & 67, 41st and 42nd Streets, 8th Avenue to Vanderbilt Avenue, from January 1, 1923 to January 31, 1923 (R. T. 7584) \$43,013.53;
- Voucher No. 43; Frederick L. Cranford, Inc.; approximate estimate No. 7 for the reconstruction of a part of Section No. 3 of Route No. 33, Completion of the Lawrence Street station, from January 1, 1923 to January 31, 1923 (R. T. 7454) \$19,879.12;
- Voucher No. 44; Joslin Construction Company, Inc.; approximate estimate No. 6 for the reconstruction of a part of the Queensboro Subway Rapid Transit Railroad, Route No. 26, Jackson Avenue station, from January 1, 1923 to January 31, 1923 (R. T. 7556) \$10,059.75;
- Voucher No. 45; Rapid Transit Subway Construction Company, Inc., Assignee; for third installation on account of the net amount of \$2,260,534.58, to be paid by the City to Rapid Transit Subway Construction Co., under award of arbitration made under date of February 2, 1912 (R. T. 7007) \$270,139.00;
- Voucher No. 46; George Colon & Co.; approximate estimate No. 8 for the construction of Union Square Passageway connection station, Route Nos. 5 and 8 of the Broadway-Fourth Avenue line and the 14th Street-Eastern Rapid Transit Railroads, from January 1, 1923 to January 31, 1923 (R. T. 7513) \$1,262.55.

FRANK N. ROBINSON,

Acting Secretary.

Proceedings for Tuesday, February 20, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

214—R. T. 6458

Contracts Nos. 1 and 3—Proposed Form of Agreement for Construction of Additional Entrance at Southerly End of 96th Street Station—Approval Resolution—Requisition upon Board of Estimate and Apportionment for \$55,000 as City's Share

A proposed form of agreement was presented, providing for the construction of an additional entrance at the southerly end of the 96th Street station of the Manhattan-Bronx Rapid Transit Railroad, Contract No. 1, to be built as an Addition to Existing Railroads under Contract No. 3, at a cost of \$110,000.

The following resolution was adopted:

Whereas, The Transit Commission at its meeting of April 25, 1922, referred to Counsel to the Commission the report dated April 22, 1922, of the Engineer of Equipment and Operation and the Chief Engineer of this Commission relative to the construction of an additional entrance at the southerly end of the 96th Street Station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads as an Addition to Construction under and in accordance with the provisions of the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, the plans for which work were transmitted to Counsel on December 5, 1922 by the Chief Engineer of this Commission; and

Whereas, The Auditor of Rapid Transit Costs of this Commission by communication dated July 25, 1922 has recommended that such work be classified as an Addition to the Existing Railroads and that the Commission assign thereto Work Order No. ICcA-1, in accordance with the provisions of said Contract No. 3; and

Whereas, Counsel has prepared and now submits a proposed agreement which will effect the direction of the Commission and the recommendations aforesaid and has also submitted a proposed requisition upon the Board of Estimate and Apportionment for the consent of said Board to the said proposed agreement and the appropriation of one-half of the estimated cost of the work thereunder.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the proposed agreement so submitted be and the same hereby is approved; that in accordance with the provisions of Articles LXX and LXXI of said Contract No. 3, Interborough Rapid Transit Company be and hereby is ordered to perform the work of constructing the said additional entrance herein and in said proposed agreement described, in accordance with the provisions of said proposed agreement as an Addition to the Existing Railroads as described in said Contract No. 3 and as to which unit of work this Commission assigns Work Order No. ICcA-1.

Further Resolved, That said proposed agreement together with the form of requisition now presented by Counsel be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 20, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Board of Estimate and Apportionment, on June 4, 1915, adopted the following resolution:

"Resolved, That the Board of Estimate and Apportionment hereby denies the request of the Public Service Commission for the First District, transmitted to this Board on March 30th, 1915, for the authorization of sixty thousand dollars (\$60,000) corporate stock for the purpose of providing an additional stairway at the ninety-sixth street station of the Manhattan-Bronx Rapid Transit Railroad, it being the opinion of this Board that the prospective operation of this and the new transportation lines under the terms of Contract No. 3, will so relieve conditions as to obviate the necessity for the proposed stairway."

The Transit Commission finds that the relief anticipated in the opening of the additional lines under Contract No. 3 at the 96th Street Station of the Manhattan-Bronx Rapid Transit Railroad has not materialized and that the conditions at the said station have been the subject of several complaints. From the investigation and reports of its Engineers the Commission is convinced that increased facilities to this station in the form of an additional stairway are urgently needed.

The Transit Commission accordingly, by resolution adopted on February 20, 1923 has ordered, pursuant to the provisions of Articles LXX and LXXI of Contract No. 3, the Interborough Rapid Transit Company, as Lessee thereunder, to construct an additional stairway to the southerly end of the 96th Street station of the Manhattan-Bronx Rapid Transit Railroad, being a part of the Existing Railroads as defined in said Contract No. 3. In accordance with said provisions the cost of Additions to Construction of the Existing Railroads is required to be borne equally by the City and the Lessee. A certified copy of said resolution is transmitted herewith.

The Commission has prepared and transmits herewith a proposed agreement (standard in form) between The City of New York, acting by the Transit Commission, and the Interborough Rapid Transit Company, as Lessee under Contract No. 3, for the purpose of carrying out the work of constructing this additional stairway to said station. This agreement is prepared and submitted in accordance with the expressed requirements of your Honorable Board in respect to the performance of units of work of Additions to Construction under Contract No. 3 where the Lessee is ordered to perform the work.

The Engineers estimate the cost of this work to be one hundred and ten thousand dollars (\$110,000).

Your Honorable Board is accordingly requested to consent to the proposed agreement herewith transmitted between The City of New York and Interborough Rapid Transit Company for the performance of the work of constructing the additional stairway at the southerly end of the 96th Street Station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads as an Addition to Construction in accordance with the provisions of said Contract No. 3, and requisition is made for the appropriation of the sum of fifty-five thousand dollars (\$55,000), being one-half of the estimated cost of carrying out said work, which represents the City's obligation with respect to such character of work in accordance with said Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

215—R. T. 7645

Route No. 18, Section No. 2—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Construction of Single Duct Line in 239th Street Yard—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Recommending Approval—Proposed Stipulation with Interborough Rapid Transit Company—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 19, 1922, recommending the construction of a duct line in the 239th Street Yard for the joint use of the Interborough Rapid Transit Company as lessee of the municipal rapid transit railroads and as lessee of the elevated railroads.

A report was also presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated November 1, 1922, recommending that the duct line be built.

A proposed stipulation with the Interborough Rapid Transit Company was also presented, providing for the construction of the duct line, whereby the Interborough Rapid Transit Company is to pay 30% of the cost and to pay an annual rental charge of \$100 per annum for such portion as may be used for Manhattan Railroad purposes.

The following resolution was adopted:

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated October 19, 1922, recommended the construction of a single duct line in the 239th Street Yard of the railroad described in Contract No. 3 for the joint use of the Interborough Rapid Transit Company, as lessee of the municipal rapid transit railroads and also as lessee of the elevated railroads, which proposal has been approved by the Auditor of Rapid Transit Costs and the Assistant Chief Accountant by communication dated November 1, 1922; and

Whereas, There has been submitted to Counsel a proposed stipulation executed by Interborough Rapid Transit Company providing for the construction of said duct line within the limits of the city-owned yard at 239th Street and White Plains Road, whereby Interborough Rapid Transit Company obligates itself to pay 30% of the cost of said duct line and to pay an annual rental charge of \$100 per annum for

such portion thereof as may be used for Manhattan Railroad purposes, the terms of which proposed stipulation have been approved by the Engineers of this Commission and the form of which proposed stipulation has been approved by Counsel to this Commission who has recommended its adoption and transmission to the Board of Estimate and Apportionment for the consent of said Board thereto,

Resolved, That the said reports and recommendations be and the same hereby are approved and that the said proposed stipulation so submitted be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment for the consent of said Board.

Further Resolved, That the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed stipulation if and when consented to by the Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 20, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The City of New York, acting by this Commission, is, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, constructing, as a part of the railroad therein described, the so-called 239th Street Yard in the general vicinity of 239th Street and White Plains Road. Immediately contiguous to the site upon which the city-owned yard is being constructed the Interborough Rapid Transit Company owns a site upon which, as lessee of the Manhattan Railroads, it is constructing or will construct a terminal storage yard for the use of its elevated cars pursuant to the provisions of the certificate dated March 19, 1913, granted to Interborough Rapid Transit Company for certain elevated extensions.

In connection with the construction of the City yard in this locality it will be necessary to construct a duct line. If and when the Manhattan Yard is constructed it will also be necessary to construct a duct line. The Interborough Rapid Transit Company has proposed, as mutually desirable and economical, the construction of a single duct line wholly within the limits of the City yard of sufficient capacity to serve both of said yards rather than to construct separate duct lines within each of said yards.

The Engineers and the Accountants of the Commission have approved such a proposal and have recommended its adoption by the Commission.

There has accordingly been prepared a proposed stipulation which has been approved and executed by the Interborough Rapid Transit Company and approved subject to the consent thereto by your Honorable Board by the Transit Commission. The proposed stipulation provides for the construction of such duct line by the City within the limits of the City yard. The Interborough Company agrees to pay 30% of the cost of the construction of said duct line and will also pay as rental for the occupation of the 239th Street Yard for the portion of the duct line used by it the sum of One hundred dollars (\$100) per annum, which sum the Engineers of the Commission consider reasonable for the extent to which said duct line will be used by the Interborough Rapid Transit Company, as lessee of the Manhattan Railroads.

The actual work of constructing the duct line will be prosecuted pursuant to a contract to be advertised and entered into by the Commission with the consent of your Board. It will therefore not be necessary at this time to appropriate any money for the purposes of the proposed stipulation transmitted herewith.

Your Honorable Board is requested to consent to said proposed stipulation effecting the foregoing purpose in relation to the duct line so to be constructed for the joint use of the city-owned and company-owned storage yards.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

216—R. T. 7419

Contracts Nos. 3 & 4—Application by Charles H. Brown & Son Corporation, Second Lowest Bidder, Requesting Return of Certified Check Deposited with Bid for Completion of Built-in Newsstand Enclosures—Application Granted

The Commission granted the application of Charles H. Brown & Son Corporation, second lowest bidder, dated February 9, 1923, requesting the return of the certified check in the sum of \$500 deposited with its bid on January 25, 1923, for the completion of built-in newsstand enclosures at stations.

217—R. T. 7587

Agreement "CA"—Resolution Approving Sureties upon Bond in Sum of \$2,000 Deposited by Contractor as Security for Construction of Transformer Closets for Emergency Lighting—Adopted

The following resolution was adopted:

Resolved, That the Royal Indemnity Company and the Aetna Casualty and Surety Company be and hereby are approved as sureties upon the bond in the sum of Two thousand (\$2,000) dollars deposited by B. T. & J. J. Mack, Inc. as security for the faithful performance of the contract for the construction of transformer closets for emergency lighting in a part of the Broadway-Fourth Avenue Rapid Transit Railroad in the Borough of Manhattan, each of said sureties being held and bound in the sum of One thousand (\$1,000) dollars.

218—R. T. 7528

Route No. 18—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Beveled Blocks under Contract for Installation of Tracks, etc., at 239th Street Yard—Approval Resolution

A report by the Chief Engineer dated February 10, 1923, recommending the establishment of a supplementary schedule item, as described below, was approved and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item No. 3000 of the contract dated November 14, 1922 between The City of New York, acting by the Commission, and Michael DelBalso, for the installation of tracks for the 239th Street Yard, Route 18, having subject to the approval of the Commission agreed with the said Contractor upon the following schedule item:

Item No. 1-X For the work of manufacturing approximately 300 beveled blocks of the dimensions directed by the Engineer in the field from City's material stored in the Brooklyn Yard of Cross, Austin & Ireland and the delivery of the finished blocks to the Works, the price of Seventy-five cents (75c) each.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

219—R. T. 7007

Contract No. 3—Report by Engineer of Equipment and Operation and Chief Engineer Suggesting Amendment to Resolution of December 19, 1922, so as to Substitute Certain Cars upon Which to Install Multiple Door Control—Amending Resolution

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 14, 1923, suggesting that the resolution of December 19, 1922, be amended so as to substitute the numbers of certain cars upon which multiple door control is to be installed.

The following resolution was adopted:

Whereas, By resolution adopted December 19, 1922 this Commission approved the application of Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913, known as Contract No. 3, for the installation of a multiple door control on 396 additional subway high voltage cars, such work to be performed as an Addition pursuant to the provisions of Articles LXX and LXXI of Contract No. 3, and assigned thereto Work Order No. ICqA-1, said resolution specifically indicating the cars upon which said device would, pursuant to said approval, be installed; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated February 14, 1923, reported with respect to said resolution as follows:

"The Commission under date of December 19, 1922 approved the installation of multiple door control on 396 high voltage control cars forming part of Equipment under Contracts Nos. 1 and 2. Under date of February 7, 1923, I have been advised that the company has made a different selection of cars upon which this door control is to be installed. Accordingly, I suggest that the approval resolution adopted on December 19, 1922 be changed by substituting in place of cars #4392 and #4393, mentioned in the resolution, cars #4382 and #4386.

; and

Whereas, Said resolution of December 19, 1922 was, by resolution adopted January 16, 1923, modified by striking therefrom "4383-4514" and substituting in place thereof "4224, 4269, 4312, 4333, 4353, 4388-4514,"

Resolved, That the said report as herein set forth be and the same hereby is approved; that the resolution of December 19, 1922, as amended by the resolution of January 16, 1923, be so amended as follows: By striking therefrom "4388-4514" and substituting in place thereof "4382, 4386, 4388-4391, 4394-4514."

Further Resolved, That said resolution, except as herein and in the resolution of January 16, 1923 modified, shall remain in all respects as adopted on December 19, 1922.

220—R. T. 6080

Fourth Avenue Subway—Application of Abraham Brown for Modification of Rental Agreement for Occupation of Premises on Easterly Side of Rockwell Place South of Fulton Street, Borough of Brooklyn—Report by Real Estate Clerk Approving—Approval Resolution

An application was presented from Abraham Brown dated January 31, 1923, requesting a modification of the rental agreement approved on September 13, 1922, for the premises on the easterly side of Rockwell Place south of Fulton Street, Borough of Brooklyn, so as to add 70 square feet to his present concession at an increase in rental from \$40 to \$50 per month.

A report was presented from the Real Estate Clerk dated February 17, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Abraham Brown by communication dated January 31, 1923, has made application for permission to add 70 square feet to his present concession in order to straighten out the partition wall between his concession and that of Samuel Nehemiah, another tenant of this Commission, affecting the premises on the easterly side of Rockwell Place, 133' 5" more or less south of Fulton Street, Borough of Brooklyn, agreeing to increase his rent from \$40.00 to \$50.00 per month, the other terms of his existing rental agreement with the Commission to remain unaffected, the increased rental to be effective as of March 1, 1923; and

Whereas, The Real Estate Clerk, under date of February 17, 1923, has reported on this application recommending that it be approved, in which recommendation Counsel has occurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid request of Abraham Brown for a modification in his existing rental agreement, and

that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on the said communication from Abraham Brown, and that the Real Estate Clerk, be and he hereby is, authorized to make such adjustment with the holders of adjoining concessions from the Commission as will be necessary under the circumstances to conserve the City's interests.

221—R. T. 6594

Route No. 48, Section No. 2—Reports by Chief Engineer Recommending Increased Facilities at Wall Street Station—Approval Resolution—Requisition upon Board of Estimate and Apportionment for \$32,750 as City's Share

Reports from the Chief Engineer dated December 7, 1922 and February 13, 1923 were presented wherein it was recommended that a new mezzanine, platform railings and rearrangement of stairways of the Wall Street Station of the Seventh Avenue Line be performed at an estimated cost of \$65,500.

A proposed form of agreement was submitted by Counsel providing for the construction of the increased facilities as Additions to Construction under Contract No. 3 and as to which Work Order No. IAA-6 was assigned.

The following resolution was adopted:

Whereas, This Commission by resolution adopted February 1, 1922, directed Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3, to construct as Additions to Construction a protective railing and additional stairway at the Wall Street Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad described in said Contract No. 3, which resolution, together with a requisition for the appropriation of one-half of the cost of such work, was transmitted to the Board of Estimate and Apportionment, which Board, at its meeting of November 10, 1922, referred back said matter for the purpose of including it in an agreement required by said Board; and

Whereas, The Chief Engineer of this Commission, by communication dated December 7, 1922 and February 13, 1923, has recommended that the work at said station be increased so as to include a mezzanine and additional entrance at said Wall Street Station; and

Whereas, Counsel has prepared and submitted a proposed agreement between The City of New York, acting by this Commission and Interborough Rapid Transit Company as Lessee under said Contract No. 3 so as to provide for the construction of the increased facilities at said Wall Street Station as an Addition to Construction, in accordance with the provisions of said Contract No. 3, together with a requisition upon the Board of Estimate and Apportionment for the appropriation of the City's share of the cost of such work, all as more particularly indicated in said proposed agreement and on the drawing made part thereof, the estimated cost of such work being \$65,500; and

Whereas, This Commission is of the opinion that the changes and additions so recommended by the Chief Engineer and as included in said proposed agreement should be made in order to render more safe and adequate the operation at said station of said line and to afford greater facilities to the travelling public,

Resolved, That said reports and recommendations aforesaid be and the same hereby are approved; that Interborough Rapid Transit Company as Lessee under the provisions of said Contract No. 3 and particularly Articles LXX and LXXI thereof is hereby directed to construct as Additions to Construction under said contract the work as indicated upon the said drawing referred to in said proposed agreement which said proposed agreement and said drawing are hereby approved, such work to be performed subject to the direction and approval of the Chief Engineer of this Commission and as to which work this Commission assigns Work Order No. IAA-6; that the requisition now submitted by Counsel upon the Board of Estimate and Apportionment be and the same hereby is approved and that it be transmitted to said Board, together with said proposed agreement for the consent of said Board to said proposed agreement and the making of the appropriation of the sum of \$32,750.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 20, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The contract dated March 19, 1923, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, provides in Article LXX thereof that Additions may be ordered to be installed on the Railroad and the Equipment and the Existing Railroads and the Existing Equipment as defined in said contract and more particularly prescribed as follows:

"If the direction shall have reference to the Equipment or to operation the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to Construction the cost of complying therewith shall be shared equally by the City and by the Lessee (except in the case of Additions to the Extensions in which event the cost shall be borne wholly by the City) and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the Commission *or directly by the Lessee as the Commission may elect*. If the Lessee shall neglect or refuse to comply with such directions the Commission in addition to other remedies may cause such changes or Additions to be made at the expense of the Lessee."

Under date of February 21, 1922 the Transit Commission transmitted to your Honorable Board a certified copy of a resolution directing Interborough Rapid Transit Company in accordance with the provisions of said Contract No. 3 to construct as Additions to Construction a protective railing and an additional stairway at the Wall Street station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad described in said Contract No. 3, together with a requisition upon your Honorable Board for the appropriation of one half the estimated cost of such work, to wit: the sum of Thirty-two thousand, Seven hundred and Fifty (\$32,750) Dollars. Your Board being of the opinion that in the prosecution of the work of constructing Additions performed by the Lessee as permitted by said Contract No. 3 should be included in a collateral agreement, returned said resolution and requisition on November 10, 1922.

In compliance with the opinion of your Board a standard form of agreement has been prepared covering details of work of constructing Additions to Construction where performed by the Lessee, which form of agreement has been informally approved by the Corporation Counsel and agreed to by the Lessee.

Since the submission of said resolution on February 21, 1922 the Chief Engineer, because of complaints received and the inadequacy of facilities at the said station, prepared a plan including additional details so as to provide an additional entrance and an extension of the mezzanine to said Wall Street Station and has recommended the inclusion of all such details in an agreement with the Interborough Rapid Transit Company for the performance thereof. The Commission has approved said recommendation and has accordingly prepared and transmits herewith a proposed agreement providing for the construction of Additions to said Wall Street Station which it deems necessary in order to render more safe and adequate the operation at said station of said line and to afford greater facilities to the travelling public.

The Transit Commission requests your Honorable Board to consent to said proposed agreement herewith transmitted and requisition is hereby made upon your Honorable Board for the appropriation of the sum of Thirty-two thousand, Seven hundred and Fifty (\$32,750) Dollars, being one half the estimated cost of Sixty-five thousand, Five hundred (\$65,500) Dollars of such work, such requisition being a subrequisition and not in addition to those heretofore made for the purpose of carrying out said Contract No. 3 and the appropriation made by your Board in consequence thereof.

TRANSIT COMMISSION,

By GEORGE McANENY,

Chairman.

222—R. T. 6645**Fulton Street Elevated Line—Communication from New York Municipal Railway Corporation Objecting to Resolution of December 12, 1922, Approving Plans for Strengthening Structure between Nostrand Avenue and Tillary Street with Respect to Classification and Charge for Work—Report by Chief Engineer Submitting Form of Reply to Company Stating Commission Does Not Wish to Amend Resolution—Referred to Counsel**

A communication was presented from the New York Municipal Railway Corporation dated December 21, 1922, objecting to certain parts of the resolution adopted on December 12, 1922, which approved plans for strengthening the elevated structure of the Fulton Street Line between Nostrand Avenue and Tillary Street, with respect to the classification and charge for the work.

A report was presented from the Chief Engineer dated February 15, 1923, suggesting a communication to the Company stating that the Commission does not wish to amend the aforementioned resolution.

The matter was referred to Counsel.

223—Case 2671**Nassau Bus Line, Inc.—Copy of Franchise Contract with The City of New York—Filed**

The Secretary presented a copy of a franchise contract, dated February 5, 1923, between the Nassau Bus Line, Inc., and The City of New York.

The Commission ordered said document filed.

224—Case 2668**The Brooklyn City Railroad Company—Declaration of Abandonment of Route and Franchises along Furman Street between Fulton Street and Atlantic Avenue—Opinion Approved—Approval Order Adopted**

The Secretary presented a report and opinion dated January 30, 1923, by George L. Lucas, Acting Chief Executive Officer, designated to conduct the hearing in the above entitled matter recommending for the reasons therein specified that the Commission approve the declaration of abandonment by The Brooklyn City Railroad Company of that portion of its route and franchises hereinafter described.

The Commission approved and ordered filed the opinion of the Acting Chief Executive Officer and adopted and ordered filed an Order in Case No. 2668, approving the declaration of abandonment by The Brooklyn City Railroad Company, dated November 8, 1922, of a portion of its route and franchises on Furman Street between Fulton Street and Atlantic Avenue, in the Borough of Brooklyn, and directing that the approval of the Commission be endorsed upon said declaration and that same so indorsed be filed in the office of the Secretary of State.

225—Cases 1756, 1797**The Staten Island Rapid Transit Railway Company—Grade Crossing Eliminations at Pennsylvania Avenue, Clifton Avenue and Maryland Avenue, in the Borough of Richmond—Copies of Letters Transmitting Vouchers Filed**

The Secretary presented :

(1) Copy of letter, dated February 19, 1923, to the Comptroller of The City of New York, transmitting check in the amount of \$2,553.99 of The Staten Island Rapid Transit Railway Company, the amount determined to be due The City of New York from said railroad company in the above entitled matter by certificate, dated January 20, 1923; and (2) letter, dated February 19, 1923, to the Auditor of The Staten Island Rapid Transit Railway Company transmitting voucher of the Treasurer of the State of New York in the amount of \$6,504.40 the amount determined to be due to said railroad company from the State of New York in the above entitled proceeding by certificate, dated January 20, 1923.

The Commission ordered the two copies of communications filed.

226—Case 1301**The Jay Street Connecting Railroad—Renewal of Boiler Flues—Extension Order Adopted**

The Secretary presented an application of The Jay Street Connecting Railroad, dated February 13, 1923, requesting an extension of time to renew the flues in the boiler of its Locomotive No. 2; and a report, dated February 17, 1923, by Engineer of Equipment and Operation recommending an extension of six months from February 21, 1923.

The Commission adopted and ordered filed an Order in Case No. 1301, extending the time of The Jay Street Connecting Railroad within which to renew the flues in the boiler of its Locomotive No. 2, six months from February 21, 1923.

227—Case 2674**Brooklyn Eastern District Terminal—Application for Approval of Proceedings to Condemn Real Property at 80 Kent Avenue, Brooklyn—Hearing Order Adopted**

The Secretary presented a petition verified February 13, 1923, by the Brooklyn Eastern District Terminal for the approval of a proceeding to condemn certain real property located at No. 80 Kent Avenue, in the Borough of Brooklyn.

The Commission adopted and ordered filed an Order in Case No. 2674, directing a hearing on said application to be held before George O. Redington, Counsel to the Commission, therein duly designated to conduct the same on March 7, 1923, at 10:30 a. m.

228**The Long Island Railroad Company—Grade Crossing Accidents—Communication from Acting Mayor Filed—Reply Approved**

The following letter from Hon. Murray Hulbert, Acting Mayor of the City of New York, was presented :

CITY OF NEW YORK
OFFICE OF THE MAYOR

February 10th, 1923.

THE TRANSIT COMMISSION,
49 Lafayette Street,
New York City, N. Y.
Gentlemen:

Commissioner Harkness, a member of your Commission, in a statement to the public press speaks with much fervor of the necessity of the elimination of dangerous grade crossings, and expresses the intention of your Commission to aid in such elimination. It is not altogether unusual, following disasters or catastrophes, for those in official place to issue public statements condemning the cause and demanding or promising relief.

Ten years ago the Public Service Commission, predecessor of the Transit Commission, had under consideration the question of eliminating grade crossings on the Atlantic Avenue Division of the Long Island Railroad. Successive applications to the legislature for relief to expend the necessary funds to accomplish this purpose were unsuccessful.

Had all the grade crossings on the Atlantic Division of the L. I. R. R. been eliminated as suggested in the proceedings instituted by the P. S. C. of a decade ago, the entire expense of such elimination would not have amounted to more than \$2,000,000. Such expense today would, according to engineering estimate, be \$10,000,000. This added expense the railroad company, the state and the city must each pay their proper share thereof. That is the result of procrastination from a financial standpoint.

There is still another factor of more vital consideration. What has been the annual toll in human life during these ten years within which the monsters of steel have been permitted to thunder through our city on the street surface? How has this needless sacrifice been increased, and how many women, children and men have been hopelessly crippled or maimed as the result of official inaction?

The Transit Commission has reported that on the L. I. R. R. crossings alone within the corporate limits of the City of New York, there were 11 accidents in 1922, in which three persons were killed and no less than 20 injured. To this must be added the recent frightful catastrophe which resulted in the death of three firemen and the injury of a like number when Hook and Ladder truck No. 142 of the N. Y. C. F. D. was penned in the railroad gates at 80th Street and Atlantic Avenue, Queens, where it was struck down by a L. I. R. R. electric train. Last night another life was added to the toll of dangerous grade crossings when a pedestrian was killed by a west bound electric L. I. R. R. train at the Autumn and Atlantic Avenue crossing.

There can be no question that the Transit Commission and the Board of Estimate and Apportionment are agreed on the necessity of protecting both life and property from hazards incident to railroad operation, where such protection lies within their scope and power. There can be no doubt that they and the Governor will aid in the passage of legislation intended to eliminate dangerous grade crossings. There is every reason to hope that the legislature will concur in such proposed humanitarian legislation.

But past experience has demonstrated that in the matter of elimination of grade crossings, valuable time is consumed through obstacles of delay usually indulged in by the Long Island Railroad, chief among which are claims of financial incapacity and the legality of the proceedings which enables them to thwart action by long drawn out court proceedings. Even though all the official bodies interested in the removal of grade crossings work in harmony and funds eventually are provided, there would still, necessarily be a comparatively long lapse of time incident to the preparation of plans, letting of contracts and the actual accomplishment of the work.

Pending the elimination of these grade crossings, what steps are to be taken to protect the life and property at such crossings? A recent incident at a grade crossing at which the accident of Tuesday evening occurred, leads me to believe that the L. I. R. R. has given little heed to progressive steps in that direction. While standing at this railroad crossing, I heard a faint ring of a bell in the signalman's tower announcing the departure of a train from the next station. A huge motor truck was at that time about to cross the tracks. The gates at the crossing which should have descended promptly at the announcement of the bell, were not lowered until a portion of this motor truck was within the crossing area so that one of the descending gates struck the hood of the motor truck.

[February 20, 1923]

This instance, personally witnessed, is cited as indicative of the fact that the L. I. R. R. still adheres to the most primitive methods at grade crossings. Why is it not possible to install automatic devices such as exist on practically all the railroads throughout the country? Why cannot the Transit Commission insist with the power vested in it that the L. I. R. R. shall install modern protective devices pending the eventual elimination of all grade crossings?

Very truly yours,

MURRAY HULBERT,
Acting Mayor.

Commissioner Harkness stated that he had written a reply which was as follows:

February 17, 1923,

Hon. MURRAY HULBERT,
Acting Mayor, City of New York,
City Hall, New York City.
Dear Sir:

Your letter addressed to the Transit Commission under date of the 10th instant, referring to certain public statements of mine made, you say, "with much fervor," with relation to the necessity of further elimination of grade crossings within the city limits, was received in due course. Such a letter as yours, written upon a matter of pertinent interest and in the tone in which you employ, is rarely helpful. I assume, however, that your action in the present instance is accounted for by your frank admission that "it is not altogether unusual, following disasters or catastrophes, for those in official place to issue public statements condemning the cause and demanding or promising relief." Your letter was given to the newspapers and printed two days before it was received at the office of the Transit Commission. In striking contrast is the course of action followed by Borough President Connolly, who has already taken this matter up in Albany, and who didn't hesitate when he needed aid to call me on the long distance telephone and get it.

It is sufficient for the moment to remind you that the initiation of grade crossings proceedings must depend upon the availability of state funds appropriated by the Legislature, adequate and sufficient to cover the one-quarter cost of the removal of such crossings, imposed upon the state by law. Where such an appropriation is available and the removal of crossings has been ordered one-quarter of the entire cost must be covered by appropriations made by the City and the remaining half by the railroad company.

The Transit Commission in a series of orders made between December 7th, 1922, and January 16th, 1923 (in proceedings in which the City was represented, and which therefore were readily available to you), directed the removal of all grade crossings on the main line of the Long Island Railroad from Jamaica east to the city line. The cost of removal in these cases will approximate \$5,000,000., and the work will be pressed rapidly to completion. These eliminations exhaust the quota of State moneys available, so that the Commission is powerless to initiate further grade crossing eliminations unless and until the Legislature makes further appropriations.

The cost of eliminating grade crossings on the Long Island Railroad from East New York to Jamaica upon the basis of elevating the tracks is estimated at \$10,000,000., which would call for a State appropriation of \$2,500,000., a City appropriation of \$2,500,000. and a company expenditure of \$5,000,000. (In your letter you state that when the former Public Service Commission first asked in 1913 for an appropriation to eliminate these crossings east of Jamaica the entire expense "would not have amounted to more than \$2,000,000." I do not know where you got this figure. The then estimate of the Public Service Commission was \$6,000,000. So that the difference between \$6,000,000. and \$10,000,000. may be said to represent enhanced construction costs). As I have already stated, I am co-operating with Borough President Connolly in efforts to secure an adequate appropriation at this session of the Legislature. I do not understand that you have addressed any communication to the Legislature upon the subject. If you have, may I ask you to be good enough to let me have a copy of it? It is perhaps needless to say that the Commission would welcome the co-operation of the City Administration.

Under provisions of statute and under specific orders of previous commissions, the Long Island Railroad Company has been required to instal protective equipment at existing grade crossings. Generally crossing gates have been found by experience

to be a reliable protection. If it proves practicable through the installation of auxiliary equipment, additional to such equipment in use, to increase any present measure of protection pending the elimination of the grade crossings themselves, the Transit Commission naturally will direct such installations. The Commission's equipment engineers are engaged in a thorough re-examination of the present situation, in order to develop the possibility of any improvement.

I am,

Yours very truly,
(Signed) LE ROY T. HARKNESS,
Commissioner.

The Commission ordered the communication from the Acting Mayor filed and approved Commissioner Harkness' reply thereto.

229—Case 2300

**The Long Island Railroad Company—Foot Subway at Digby Street (84th Street)
—Resolution of Board of Estimate and Apportionment Filed**

The Secretary presented a resolution of the Board of Estimate and Apportionment of The City of New York, dated February 9, 1923, accepting the certificate of performance of work in the above entitled matter, dated January 23, 1923, and authorizing the Comptroller of the City to pay to the railroad company \$4,729.19 the amount in said certificate found to be due from the City of New York to said railroad company.

The Commission ordered said resolution filed.

230

**Tariff Schedules—Brooklyn, Queens County & Suburban Railroad Company—
Filed**

The Secretary presented revised sheets Nos. 1 and 41 of the tariff schedule of the Brooklyn, Queens County & Suburban Railroad Company to be effective March 18, 1923, indicating a continuance of operation after said date via Metropolitan Avenue between Jamaica Avenue and Graham Avenue in lieu of operation of the Metropolitan Avenue Line temporarily suspended by order of the District Court of the United States for the Southern District of New York.

The Commission ordered said tariff schedule filed.

231

**Tariff Schedules—New York, New Haven & Hartford Railroad Company—Report
Filed**

The Secretary presented a report by the Chief of Transit Bureau, approved by Acting Chief Executive Officer, dated February 15, 1923, transmitting for the attention of the Commission supplement to the tariff schedule of the New York, New Haven & Hartford Railroad Company indicating an increase in the rates for commutation and monthly trip tickets, etc., in the territory outside the jurisdiction of the Commission.

The Commission ordered said report filed.

232 .

Port of New York Authority—Hearing Resolution Filed—Consulting Engineer Directed to Attend Hearing

The Secretary presented a resolution of the Port of New York Authority, dated January 31, 1923, calling a hearing before it at its office, No. 11 Broadway, Borough of Manhattan, City of New York, on March 15, 1923 at 10 o'clock in the forenoon.

The Commission ordered said resolution filed and directed Mr. Daniel L. Turner, Consulting Engineer of the Commission, to attend said hearing on behalf of the Commission.

233—R. T. 7623

Agreement "CH"—Communication from Acting Corporation Counsel Returning Proposed Contract for Installation of Two Elevators at 168th Street Station Approved as to Form—Filed

A communication dated February 6, 1923 from Arthur J. W. Hilly, Acting Corporation Counsel, returning approved as to form a proposed contract with the Otis Elevator Company for furnishing and installing two passenger elevators at the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, Agreement "CH," was ordered filed.

234—R. T. 7583

Route No. 39, Section No. 2—Communication from Acting Corporation Counsel Advising of Date of Acquisition of Property for Coney Island Yard Site—Filed

The following communication was ordered filed:

February 15, 1923.

SUPREME COURT
KINGS COUNTY

IN THE MATTER
of

The application of the Transit Commission, acting for and on behalf of The City of New York, pursuant to Chapter 4 of the Laws of 1891 and the several statutes amendatory thereof and supplemental thereto, relative to acquiring an estate in fee simple absolute in and to certain premises on the westerly line of Shell Road between 86th Street and Coney Island Creek in the Borough of Brooklyn, City of New York for the construction, maintenance and operation of a terminal storage yard and inspection shed for use in connection with certain Municipal Rapid Transit Railroads.

TRANSIT COMMISSION,
49 Lafayette Street.

Sirs:

I beg to inform you that the order of the Special Term of the Supreme Court, Kings County, granting the petition of the Transit Commission to have the compensation which should justly be made to the respective owners of or persons interested in the property proposed to be taken in this proceeding, ascertained and determined by the Court without a jury, was filed in the office of the Clerk of the County of Kings on the first day of February, 1923, and that pursuant to the provisions of Section 47 of the Rapid

Transit Act (Chapter 4 of the Laws of 1891 as amended), title to the property sought to be acquired vested in The City of New York, on said date.

The property so acquired, wherever the same has not been heretofore acquired by The City of New York, is an estate in fee simple absolute, free from all liens and encumbrances, in and to all those certain lots, pieces or parcels of land, land under water and land under water filled in with the buildings and improvements thereon, together with any and all riparian rights and rights of wharfage, crannage and any and all other rights and emoluments by reason of any and all water grants or otherwise pertaining thereto and in and to the bed of any street, road or avenue upon or proposed in front of or adjoining the said property, together with the easements pertinent thereto, shown upon three similar maps or plans and specifically described in the memorandum accompanying and made part of each of said maps or plans approved and adopted by the Transit Commission on November 28, 1922. Said map or plan is entitled "State of New York Transit Commission, Engineering Department, Contract No. 4—N. Y. M. lines Coney Island Yard, Condemnation Map or Plan showing property to be acquired west of Shell Road between 86th St. & Coney Island Creek, Borough of Brooklyn, City of New York" dated November 18, 1922, signed by Robert Ridgway, Chief Engineer and numbered file No. 34—Y Drg. No. 2.

Respectfully yours,
ARTHUR J. W. HILLY,
Acting Corporation Counsel.

235—R. T. 7038

Route No. 50—Communication from Acting Corporation Counsel Transmitting Original Deed of Release of Easements in Front of Premises No. 18 Ely Avenue, Borough of Queens—Filed

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated February 8, 1923, transmitting an original deed of release dated July 9, 1922, from Lisette G. Nehler, conveying to the City of New York certain easements in front of the premises at No. 18 Ely Avenue, Borough of Queens, was ordered filed.

236—R. T. 7038

Route No. 50—Communication from Acting Corporation Counsel Transmitting Original Deed of Release of Easements in Front of Premises No. 16 Ely Avenue, Borough of Queens—Filed

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated February 8, 1923, transmitting an original deed of release dated July 31, 1922, from Ann Grogan, conveying to the City of New York certain easements in front of the premises at No. 16 Ely Avenue, Borough of Queens, was ordered filed.

237—R. T. 6482

Route No. 26—Communication from Counsel Transmitting Original Consent to Construction of Stairway in Front of Premises at Nos. 41-45 Jackson Avenue, Borough of Queens—Filed

A communication from Counsel dated February 14, 1923, transmitting an original consent of the Corn Exchange Bank dated September 20, 1922, to the construction of a stairway to the Jackson Avenue Station of the Queensboro Subway Rapid Transit Railroad in front of the premises at Nos. 41-45 Jackson Avenue, Borough of Queens, was ordered filed.

238—R. T. 7587

Agreement "CA"—Statement as to Execution and Delivery of Original Contract for Construction of Transformer Closets for Emergency Lighting—Contract Filed

The Commission ordered filed an original contract dated February 15, 1923, between The City of New York, acting by the Transit Commission and B. T. & J. J. Mack, Inc. for the construction of transformer closets for emergency lighting in the Borough of Manhattan, Agreement "CA," which contract had been executed on behalf of both parties and delivered on February 16, 1923.

239

Lease—Proposed Lease for Sub-office in Premises at No. 136 Lawrence Street, Borough of Brooklyn—Approval Resolution

The following resolution was adopted:

Whereas, The Commission pursuant to the provisions of the Rapid Transit Act, being Chapter 4 of the Laws of 1891 as amended and of the Public Service Commissions Law as amended by Chapter 134 of the Laws of 1921 of the State of New York, deems it necessary to lease certain premises consisting of a rectangular room sixteen (16) feet long and eleven (11) feet wide, with an area of approximately one hundred seventy-six (176) square feet, on the second floor of the building known as No. 136 Lawrence Street, Borough of Brooklyn, City of New York, from Seth H. Cutting, residing at 1721 Avenue J, Borough of Brooklyn, City of New York, as landlord, for the period of one (1) year beginning February 11, 1923, at the monthly rental of \$35.00, with the option of a renewal for one (1) additional term of one (1) year at the same rental, for an engineering sub-office; and

Whereas, Counsel has submitted a form of lease embodying the foregoing terms and other terms deemed necessary for the conservation of the City's interests, which said form of lease has been signed by the said landlord, the said Seth H. Cutting, recommending that the lease be approved and that the Chairman and Secretary be authorized, respectively, to subscribe the approval of the Commission on said lease and to attest such subscription and affix the official seal of the Commission;

Resolved, That the Commission do, and it hereby does, approve the aforesaid lease, and that it do, and hereby does, authorize and direct the Chairman, in its behalf, to execute the said lease and the Secretary to attest such execution and affix the official seal of the Commission to said lease.

240

Fees Received during January, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of January, 1923, fees, etc., to the amount of \$170.08 and refunds of rental from rapid transit real estate to the amount of \$4673 had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$170.08 to be accredited to the General Fund of the City of New York, and the sum of \$4673 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purpose of the Commission, as provided in the Rapid Transit Act.

241

Employees' Resolution No. 129

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Thomas F. Corcoran, junior assistant, at \$125.08 per month, to take effect February 19, 1923; Isidor Mager, junior assistant, at \$125.08 per month, to take effect February 14, 1923; Homer G. Shockley, junior assistant, at \$125.08 per month, to take effect February 14, 1923; John A. Voskamp, junior assistant, at \$125.08 per month, to take effect February 14, 1923.

Termination of Appointments under Rule VIII:4—John Crawford, junior assistant, at \$125.08 per month, to take effect February 28, 1923; William R. Crittenden, junior assistant, at \$125.08 per month, to take effect February 21, 1923; Americus D'Atri, junior assistant, at \$125.08 per month, to take effect February 21, 1923; Harold Fink, junior assistant, at \$125.08 per month, to take effect February 28, 1923; Nathan Horowitz, junior assistant, at \$125.08 per month, to take effect February 21, 1923; Maurice A. Marcus, junior assistant, at \$125.08 per month, to take effect February 16, 1923; George E. Tallman, junior assistant, at \$125.08 per month, to take effect February 21, 1923; Frederick von Rohan, draftsman, at \$150.08 per month, to take effect February 16, 1923.

Leave of Absence with Pay—Yetta Benjamin, clerk, from January 21, 1923, to January 28, 1923; Dorothy Dwyer, stenographer, from January 11, 1923, to February 4, 1923; Thomas O'Hara, transit inspector, from January 16, 1923, to January 29, 1923.

Leave of Absence without Pay—Yetta Benjamin, clerk, from January 29, 1923, to February 3, 1923; Charles R. McConkey, junior engineer, from February 5, 1923, to March 4, 1923.

242

Voucher Schedule No. 8

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos 196-204; 206, open market orders, \$536.05; Vouchers Nos. 97-103, miscellaneous bills, \$8,284.31;

Estimate by Chief Engineer of Value of Work Done and Material Furnished for Construction of Rapid Transit Lines for the Period Indicated Below:

Voucher No. 48; Charles H. Brown & Son, Corporation, Assignee; approximate estimate No. 12 for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8 from January 16, 1923 to February 15, 1923 (R.T. 7539) \$5,830.41.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, February 26, 1923

Present: LeRoy T. Harkness, Acting Chairman; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

243—R. T. 7639, 7549

Agreement "CC"—Receipt of Bids for Making Alterations in Railroad Structure to Permit Widening of Roadway of East 60th Street, Borough of Manhattan—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for making alterations in the railroad structure of the Broadway-Fourth Avenue Rapid Transit

Railroad, Routes Nos. 4 & 36, Section No. 5, so as to permit the widening of the roadway of East 60th Street in the Borough of Manhattan, had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of said bids and to read the bids received.

The Secretary presented the proper affidavits of publication and opened the box and read the five bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, February 27, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

244—R. T. 7611, 7564

Contract No. 3—Communication to Board of Estimate and Apportionment Requesting Withdrawal of Requirement for Submission of Agreements for Making "Additions" by Reason of Sufficient Provisions in Contract No. 3—Approved

The following communication was approved:

February 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, provides in Articles LXX and LXXI thereof as follows:

"Article LXX. The principal object of the City in making this contract is to secure for the public convenience an adequate, comfortable and rapid system of passenger transportation in the portions of New York which will be served by the Railroad and the Existing Railroads. By the foregoing provisions of the Lease the Lessee has covenanted, among other things, to operate the Railroad and the Existing Railroads carefully and skillfully, according to the highest standards of railway operation; to supply adequate Equipment; to run trains so as to furnish adequate service; to use the best safety devices; to keep the Railroad, the Equipment, the Existing Railroads and the Existing Equipment, clean, dry, well lighted, heated and ventilated; and to do other things, as hereinbefore set forth, for the convenience and accommodation of the public. These covenants on the part of the Lessee are among the principal moving considerations to the City in making this contract, and any breach thereof will entitle the City to the remedies provided in this contract. If at any time Additions to the Railroad or Equipment or to the Existing Railroads or Existing Equipment or any change in the mode of operating the Railroad or the Existing Railroads or conducting the business thereof are necessary in order to carry out the purposes of the Lease in securing service and facilities as shall be safe and adequate and in all respects just and reasonable, the Commission may direct the construction or provision of such Additions and the making of such changes in the mode of operation of the Railroad or the Existing Railroads or in the conduct of the business thereof as may be necessary to accomplish such purposes. Such construction or provision of Additions and such changes shall be made to the satisfaction of the Commission and, when necessary,

under such forms of contracts, plans, specifications and directions as it may issue or approve. If the direction shall have reference to the Equipment or to operation the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to Construction the cost of complying therewith shall be shared equally by the City and by the Lessee (except in the case of Additions to the Extensions in which event the cost shall be borne wholly by the City) and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the Commission or directly by the Lessee as the Commission may elect. If the Lessee shall neglect or refuse to comply with such directions the Commission in addition to other remedies may cause such changes or Additions to be made at the expense of the Lessee.

Article LXXI. *All Additions shall be identified and the cost of equipment or the cost of construction as the case may be ascertained and determined in the following manner and by the following method:* No Addition shall be provided or constructed until the same shall have been ordered or approved by the Commission and in its resolution so ordering or approving the Commission shall briefly describe the Addition so ordered or approved (which is hereinafter referred to as the additional unit) and shall assign thereto a work order number. All Additions shall be subject to regulations issued by the Commission from time to time in accordance with the provisions of Article XLII prescribing the manner and method of providing for their identification and distinction. All papers or documents (including all bills, vouchers, pay rolls, plans, contracts, orders, etc.) relating to such additional unit shall refer to such work order number and no expenditure shall be included in the cost of construction or the cost of equipment by the Engineer unless it refers to such work order number. *The cost of construction or cost of equipment, as the case may be, of an additional unit shall be determined as provided in Article XXIX."*

The definition of the word "Additions," as found in Subdivision 16 of Article II of Contract No. 3, provides that the definitions of the words and expressions "* * * Cost of Construction and Cost of Equipment shall apply to Additions and Additional Equipment."

The definition of the words "Cost of Construction and Cost of Equipment" in said contract and the elements included therein are comprehensive in every detail and have been used as a basis for the cost accounting in the millions of dollars expended for the completion of the new lines under Contract No. 3. Such contract and definitions are complete in themselves, self-operative and contemplate, particularly in so far as Additions are concerned, the application of and exercise under said contract without further or collateral instruments.

It seems to the Commission that the language of Article LXX of Contract No. 3 hereinbefore quoted vests in the Commission complete authority to make Additions and imposes on the Lessee an obligation to comply with any *direction* within the purview of said article and the provisions of the contract generally. A complete and expeditious method of procedure is thus provided for, subject, of course, to the appropriation and consent by your Board.

Your Board, in its consideration of requisitions made by the Commission for the appropriation of one-half of the estimated cost of units of work directed to be performed by the Lessee pursuant to resolutions of this Commission as Additions to Construction under Contract No. 3, has concluded that an Additional or supplemental agreement is required. At the time of such conclusion on your part Counsel to the Commission presented the absence of necessity therefor in view of the provisions of Contract No. 3 and the effect that such a conclusion would have upon the carrying out of the provisions of Contract No. 3, urging on behalf of the Commission and the procurement of all the benefits to accrue to the City by reason of the provisions of said contract, with respect to Additions, that such an agreement was unnecessary. The Commission desires to point out that in its opinion the benefits enuring to the City by the provisions of Contract No. 3, which vest in it the right to order the making of changes, improvements and Additions to the railroad and to require such work to be performed by the Lessee, is practically nullified by the requirement of your Board that an agreement be entered into. Such an agreement cannot, in view of the provisions of Contract No. 3 hereinbefore adverted to, include anything more than the language of Contract No. 3 and to include more would be a modification of that contract. The agreement at best, therefore, merely repeats in contracted form the more elaborate and detailed provisions of Contract No. 3.

On the other hand it creates an advantage for the company inasmuch as it affords the company an opportunity of contesting the form and contents of an agreement and a basis for refusing to execute an agreement (which is nowhere required by Contract No. 3), thus defeating the great advantage to the City by reason of the contract provisions with respect to Additions to Construction.

The Commission is of the opinion that the requirement with respect to agreements providing for the construction of Additions to Construction under Contract No. 3 in those cases where the Lessee is required to do the work, should be withdrawn.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

245—R. T. 7565

Routes Nos. 16 & 18—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Construction of Waiting Rooms at 219th Street Station of White Plains Road Line and Kingsbridge Road Station of Jerome Avenue Line at Estimated Cost of \$2,000—Report by Auditor of Rapid Transit Costs Classifying Work and Assigning Work Order No. IAA-3—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$1,000 as City's Share

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 16, 1922, recommending the construction of additional waiting rooms at the 219th Street Station of the White Plains Road Line and the Kingsbridge Road Station of the Jerome Avenue Line at an estimated cost of \$2,000.

A report was presented from the Auditor of Rapid Transit Costs dated July 5, 1922, classifying the work as Construction of Additions to the Railroad under Contract No. 3 and assigning Work Order No. IAA-3.

The following resolution was adopted:

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated June 16, 1922, reported with respect to the necessity for additional waiting rooms on the northbound platform of the 219th Street Station of the White Plains Road Line and the Kingsbridge Road Station of the Jerome Avenue Elevated Line, both of the railroads described in Contract No. 3 as follows:

"Pursuant to your action of May 4, 1922, when you adopted the policy of providing additional waiting rooms on station platforms as recommended in the report of April 7, 1922, I recommend that waiting rooms be constructed on City-owned stations as follows:

On the northbound platform of the 219th St. station on the White Plains Road Line—A waiting room for the accommodation of forty or fifty passengers. The shuttle which operates from Fordham Road and Third Ave. to this station via Webster Ave. arrives and departs from the northbound platform; therefore a waiting room on the southbound platform is not necessary.

On the northbound platform of the Kingsbridge Rd. station on the Jerome Ave. Line—A waiting room for about fifty persons towards the north end of the platform. The shuttle train which operates during the non-rush hours between this station and Woodlawn uses the northbound track in both directions and, therefore, a shelter on the southbound platform is not necessary."

; and

Whereas, The Auditor of Rapid Transit Costs has, by communication dated July 5, 1922, reported with respect to said matter and has recommended that the work be classified as "Construction of Additions to the Railroad * * *" and that this Commission assign thereto, in accordance with the provisions of said Contract No. 3, Work Order No. IAA-3; and

Whereas, In accordance with the requirements of the Board of Estimate and Apportionment with respect to the performance of work of making Additions to Con-

struction by the Lessee in accordance with the provisions of said Contract No. 3 Counsel has prepared a proposed agreement which will effect such requirements and has also submitted a proposed requisition upon the Board of Estimate and Apportionment for the consent of said Board to the making of said proposed agreement and the appropriation of one-half the estimated cost of performing the work thereunder of constructing said additional waiting rooms,

Resolved, That the said recommendations aforesaid be and the same hereby are approved; that the said proposed agreement and requisition so submitted be and the same hereby are approved; that this Commission, pursuant to the provisions of Articles LXX and LXXI of Chapter IV of Part Third of said Contract No. 3 hereby orders Interborough Rapid Transit Company, as Lessee under said Contract, to construct such additional waiting rooms at the points indicated in accordance with the plan made part of said proposed agreement hereby approved, as to which work this Commission assigns Work Order No. IAA-3 and that said proposed agreement, together with a certified copy of this resolution and the requisition hereby approved be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, provides in Articles LXX and LXXI of Chapter IV of Part Third thereof as follows:

" * * * If at any time Additions to the Railroad or Equipment or to the Existing Railroads or Existing Equipment or any change in the mode of operating the Railroad or the Existing Railroads or conducting the business thereof are necessary in order to carry out the purposes of the Lease in securing service and facilities as shall be safe and adequate and in all respects just and reasonable, the Commission may direct the construction or provision of such Additions and the making of such changes in the mode of operation of the Railroad or the Existing Railroads or in the conduct of the business thereof as may be necessary to accomplish such purposes. Such construction or provision of Additions and such changes shall be made to the satisfaction of the Commission and, when necessary, under such forms of contracts, plans, specifications and directions as it may issue or approve. If the direction shall have reference to the Equipment or to operation the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to Construction the cost of complying therewith shall be shared equally by the City and by the Lessee (except in the case of Additions to the Extensions in which event the cost shall be borne wholly by the City) and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the Commission or directly by the Lessee as the Commission may elect. If the Lessee shall neglect or refuse to comply with such directions the Commission in addition to other remedies may cause such changes or Additions to be made at the expense of the Lessee.

Article LXXI. All Additions shall be identified and the cost of equipment or the cost of construction as the case may be ascertained and determined in the following manner and by the following method: No addition shall be provided or constructed until the same shall have been ordered or approved by the Commission and in its resolution so ordering or approving the Commission shall briefly describe the Addition so ordered or approved (which is hereinafter referred to as the additional unit) and shall assign thereto a work order number.

* * *

The Commission has received numerous complaints regarding the exposed conditions of the northbound platform of the 219th Street Station of the White Plains Road Line and of the northbound platform of the Kingsbridge Road Station of the Jerome Avenue Elevated Line, both being portions of the Railroad described in said Contract No. 3. The Commission's examination of this matter discloses that the complaints are well founded and that additional waiting rooms or shelters should be provided at said stations to protect the passengers changing at said points from the cold and inclement weather.

By resolution adopted pursuant to the provisions of Contract No. 3 hereinbefore quoted it has directed Interborough Rapid Transit Company, as Lessee under said Contract No. 3, to perform such work of constructing additional shelters at said stations of the Railroad, as Additions to Construction as defined in said Contract.

In accordance with the direction of your Board the Commission has made applicable to this work the standard form of agreement for the carrying out of the units of work of Additions to Construction when performed by the Lessee under said Contract No. 3, and transmits the same herewith for the consent of your Board thereto.

The estimated cost of this work is two thousand dollars (\$2,000), half of which, under the provisions of Contract No. 3, must be borne by the City.

Requisition is accordingly made upon your Honorable Board for the appropriation of the sum of One thousand dollars (\$1,000), being one-half of the estimated cost of the work of constructing said additional waiting rooms on the stations indicated, such requisition to be a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out the contract dated March 19, 1913, known as Contract No. 3, and the appropriations made in consequence thereof by your Board, and your Board is further requested to consent to the proposed agreement herewith transmitted between The City of New York and Interborough Rapid Transit Company for the purposes of carrying out such work of constructing said additional shelters at said stations as Additions to Construction in accordance with the provisions of said Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

246—R. T. 7571

Route No. 48, Section No. 1—Proposed Agreement for Construction of Ventilating Manhole in Mail Street as an Addition to Construction under Contract No. 3—Approval Resolution—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

Whereas, This Commission, by resolution adopted June 6, 1922 directed Interborough Rapid Transit Company as Lessee under the contract dated March 19, 1913, known as Contract No. 3, to perform the work of constructing a ventilating manhole in that portion of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad passing under and along Mail Street in the Borough of Manhattan at the point where the duct line crosses the steam main of the New York Steam Company as an Addition to Construction under and in accordance with the provisions of Articles LXX and LXXI of said Contract No. 3 and as to which unit of work this Commission assigned Work Order No. IAA-2; and

Whereas, By resolution adopted July 19, 1922 the Board of Estimate and Apportionment appropriated \$750 being the estimated amount of the City's share of carrying out said work in accordance with the provisions of said Contract No. 3, said appropriation being subject "To the submission to this Board by the Transit Commission of a satisfactory agreement or contract for the proposed work * * *"; and

Whereas, Counsel has prepared a proposed agreement standard in form which has been approved by the Corporation Counsel and Interborough Rapid Transit Company designed to be applicable generally to the performance of work of constructing Additions to Construction by the Lessee, pursuant to the said Contract No. 3, which standard form of agreement has been made applicable to the performance of work of constructing said ventilating manhole and is now submitted by Counsel, together with a request upon the Board of Estimate and Apportionment for the consent of said Board thereto,

Resolved, That the said proposed agreement so submitted be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment for the consent of said Board.

Further Resolved, That if and when consented to by said Board the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed agreement.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board by resolution adopted on July 19, 1922, "Subject to the submission to this Board by the Transit Commission of a satisfactory agreement or contract for the proposed work," appropriated the sum of Seven hundred and fifty (\$750) Dollars to pay the City's share of the installation by the Interborough Rapid Transit Company as lessee under the provisions of Contract No. 3 of a ventilating manhole at a point in Mail Street in the Borough of Manhattan where the cable duct line of the Municipal Rapid Transit Railroad, being a part of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad, described in said Contract No. 3 (Section No. 1, Route No. 48) crosses the steam main of the New York Steam Company.

There has been prepared a form of agreement to provide generally for the performance of units of work of Additions to Construction where performed by the Lessee, in accordance with the provisions of Contract No. 3 which has been approved by the Corporation Counsel and the Lessee. Said standard form of agreement has been made applicable to the unit of work of constructing said ventilating manhole and is transmitted herewith.

In accordance with the provisions of the resolution of July 19, 1922 the Transit Commission submits said proposed agreement and requests your Honorable Board to consent thereto.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

247—R. T. 7600, 7603

Route No. 52—Communication to Board of Estimate and Apportionment Requesting Reconsideration of Proposed Contracts with Gustin-Morris Contracting Corporation for Construction of Foundations on Section No. 1 and with Oakdale Contracting Company, Inc., for Construction of Section No. 3—Approved

The following communication was approved:

February 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK,
Municipal Building,
New York City.

Gentlemen:

The Transit Commission, on October 31, 1922, transmitted for the consent of your Honorable Board, as required by law, the proposed contract to be entered into between the City of New York, acting by the Transit Commission, and the Oakdale Contracting Company, Inc., for the construction of a part of the rapid transit railroad designated as an extension of the present line terminating at Corona to a point on Main Street, in Flushing, all within the Borough of Queens, and known as "Flushing Route, Route No. 52, Section No. 3," together with a requisition upon your Honorable Board for the appropriation of the sum of One million six hundred thirty-five thousand nine hundred fifty and 75/100 (\$1,635,950.75) Dollars, this being the sum estimated to be necessary to meet the obligations of the city under the said proposed contract. The bid of the Oakdale Contracting Company was the lowest of nine submitted in response to the Commission's advertisement for such bids, the remaining eight ranging to a maximum of \$2,760,149.40, or approximately \$1,100,000 over the Oakdale bid.

The Commission also submitted to your Honorable Board, under date of November 14, 1922, a proposed contract with the Gustin-Morris Contracting Corporation, the lowest of ten bidders, for the construction of the foundations on Section 1 of the Flushing Route, and requested an appropriation in the sum of Ninety-one thousand six hundred twelve and 50/100 (\$91,612.50) Dollars, the amount of the bid in question.

The Commission also submitted to your Honorable Board, under date of December

19, 1922 a proposed contract with the Phoenix Bridge Company, the lowest of seven bidders, for furnishing and erecting structural steel for a part of Section 1 of the Flushing Route, and requested an additional appropriation of Six hundred fifteen thousand eight hundred eighty (\$615,880) Dollars, the amount of the bid in this case.

No action was taken by your Honorable Board upon any of the contracts in question until January 5, 1923, at which time they were referred back to the Transit Commission without approval, for the stated reason that the plans under consideration by the Commission for Section 2 of the Flushing Route, which includes the bridge over the Flushing-River, appeared to contain no provision for any kind of highway communication between Flushing and Corona, and suggesting that failure of action on the part of the Board of Estimate pending the submission of such plans would occasion no appreciable delay.

As the Transit Commission, in a communication addressed to your Honorable Board under date of January 3d, and transmitted in duplicate to the individual members of the Board upon the same date, furnished all the information to which your resolution refers, including sketches of that portion of Section No. 2 showing the plan and profile of a combination rapid transit and highway bridge over the Flushing River, we assumed that your action in rejecting the contracts in question would, in proper course, be reconsidered, and the necessary favorable action taken.

Owing to the failure of any such reconsideration, the Phoenix Bridge Company on January 29th withdrew its bid for the contract for the proposed work for Section No. 1, upon the ground that the rising tendency in the price of steel and other material the work will require inclined it to take no further risk in the matter. Under the law, a contractor submitting a bid is bound for forty-five days thereafter to perform his contract where the Board of Estimate has also given the necessary statutory approval. The Phoenix Company, in withdrawing, acted apparently as soon as it might legally do so.

The Transit Commission is of the opinion that the loss the city will suffer as a result of the cancellation of this contract, and of the taking of new bids for the work in question at presumptively higher prices, will be material.

The awarding of the several contracts for the work on the Flushing extension followed a number of months of labor on the part of the Commission's engineering bureau in preparing plans, expedited not only to meet the Commission's desire that this extension be constructed with all haste, but in accordance with the resolution of your own body, adopted on August 2, 1921, indicating in advance your approval of the projected line "by reason of the immediate necessity in the public interest of having the work done," etc.

The delays that have occurred since the submission to your Honorable Board of the contract for Section No. 3 on October 31st, four months ago, culminating in the action of January 5, 1923, have had very unfortunate results. The completion of the Flushing line has been considerably retarded; the halting of the engineering work has, of necessity, involved much waste of departmental energy, and the city has lost an advantageous contract for an important construction section.

In its communication of January 3rd, the Commission explained to your Honorable Board that Section 3 of the route in question was intended to be put under contract first because it covers the all-subway section of the route proceeding from the Flushing River to Main Street, and naturally will take the longest of any part of the line to build. The time in the case of this contract has been fixed for two years.

Section No. 1 was intended to be put under contract at the same time, with an allowance of nine months for the building of the footings and one year for the erection of the steel, because this section includes the approach to the storage yard in Flushing Meadows, which the Commission desires to make available at the earliest possible moment for the use not only of the cars to be operated on the new sections of the line, but for those in use upon the sections between Long Island City and Corona and Astoria already built and in operation. It is proposed to use the excavated material of Section No. 3 to complete the grading of this yard. There remains only the track laying contract to be let, and the installation of equipment to complete the readiness of the yard for train storage.

Section No. 2, which includes the bridge over the Flushing River, can be completed within a year and a half from the time that the contract therefor is let. The information communicated to your Board in the Commission's letter of January 3rd included a copy of the print, Drawing No. 29, File No. 4501, being a completed sketch of that portion of Section 2 which shows the combined rapid transit and highway bridge.

Conferences have been held for some time past between the engineers of the Commission, the Chief Engineer of the Department of Plant and Structures, and the Engineer of the Topographical Bureau of the Borough of Queens regarding the plans for this bridge, and the drawings submitted represent the mutual understanding between the engineers in question and those of the Commission as to the form the structure should take, and the nature of the approaches to it.

In view of the fact aforesaid, the Transit Commission very earnestly urges upon your Honorable Board that your approval be still given to the contract to be let to the Oakdale Contracting Company for the work on Section No. 3 in the sum of One million six hundred thirty-five thousand nine hundred fifty and 75/100 (\$1,635,950.75) Dollars, and to the Gustin-Morris Contracting Corporation for the foundation work proposed upon Section No. 1, in the sum of Ninety-one thousand six hundred twelve and 50/100 (\$91,612.50) Dollars. Immediate action will be necessary if the city is to have the benefit, financially and otherwise, of the award, particularly, of the major contract, and if the actual work of construction of the subway section is to be commenced without further delay.

TRANSIT COMMISSION,
By LEROY T. HARKNESS,
Acting Chairman.

248—R. T. 6407

Route No. 52—Communication to Board of Estimate and Apportionment Recommending that Department of Plant and Structures Be Authorized to Cooperate in Construction of Rapid Transit and Highway Bridge across Flushing River—Approved

The following communication was approved:

February 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK,
Municipal Building,
New York City.

Gentlemen:

As a detail of Rapid Transit Route No. 52—the so-called Flushing Route—it is proposed to construct a bridge across the Flushing River, to be used partly for rapid transit and partly for highway purposes. Copies of Drawing No. 29, File No. 4501, indicating the general plan of this bridge and the approaches thereto, were communicated to your honorable body in connection with the letter of the Commission addressed to you under date of January 3rd, 1923.

As it appears that fifty-five per cent. of the cost of the bridge and its approaches from the highway abutment on the west side of Flushing River to the railway abutment on the east side would be chargeable to the account of highway construction, and about forty-five per cent. to rapid transit construction—estimates upon which tentative agreement has been reached both by the engineers of the Commission and by the Chief Engineer of the Department of Plant and Structures—it would seem to be desirable and of practical advantage if the Department of Plant and Structures would take charge of the planning and construction of this portion of the proposed line. The Commission understands that this suggestion has been discussed with Mr. Byrne, the Chief Engineer of the Department of Plant and Structures, and that he has given it his informal approval.

The Transit Commission, therefore, expressly recommends to your honorable body that the work incident to the construction of the bridge be assigned, accordingly, and that the Department of Plant and Structures, in cooperation with the Chief Engineer of the Transit Commission, be authorized to take the necessary steps toward that end.

Very truly yours,
TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

249—R. T. 7639, 7549

Agreement "CC"—Report by Chief Engineer as to Receipt of Bids for Alterations in Structure so as to Permit the Widening of East 60th Street and Recommendation for Award of Contract to Benedetto, Saussez & Bottino—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

February 27, 1923.

TO: TRANSIT COMMISSION:

Award of Agreement "CC" to Benedetto, Saussez & Bottino.

On February 26, 1923, the following bids were received for work under Agreement "CC" changes in subway structure on account of widening of roadway of East 60th Street, Routes 4 and 36, Section #5:

<i>Name</i>	<i>Amount</i>
Benedetto, Saussez & Bottino.....	\$60,317.00
Jacob Schlesinger, Inc.....	87,642.50
M. A. Charles.....	89,922.00
Contractors Service Corp.....	96,275.00
Gustin-Morris Contg. Corp.....	99,764.50

Our estimate for this work amounted to \$109,955. This work is to be done by the Commission and the cost thereof taken from an appropriation of \$116,000 made by the Board of Estimate and Apportionment on July 19, 1922, "to be used for reconstructing gratings, vault lights, etc. along the curb line of 60th Street between 2nd and 5th Avenues, Manhattan, in order to permit the widening of the roadway under the jurisdiction of the President, Borough of Manhattan."

I have examined the bid prices of Benedetto, Saussez & Bottino and find them uniformly low and considerably below our estimate. I consider the bid acceptable from our point of view. Two of the members of this firm, Benedetto and Saussez, were the lowest bidder for work under Agreement "CE," alterations in the Broadway-Fourth Avenue Rapid Transit structures at various locations to permit widening of the streets, Borough of Manhattan. In my letter to you of January 29, 1923, I recommended the approval of the bid of Benedetto & Saussez and in that letter gave information about them gathered from several sources which seemed satisfactory. Mr. Bottino, the present third member of the firm, has previously been connected with Mr. A. L. Guidone, another subway contractor, and I consider his entering the firm a good acquisition for the same.

Attached, I send you copy of minutes of a conference held in my office on February 27, 1923, with Messrs. Saussez and Bottino. There is also transmitted herewith twelve (12) prints of summation of bids.

In addition to the work contained in the schedule for which bids were received, a small amount of work is to be done by the Operating Company such as changes of lighting within the emergency exits effected at cost to the contractor plus 5% and a considerable amount of work is to be done under Item 150 at cost plus 15%; such work consisting of changes in waterproofing, cutting of steel, changes of sub-surface structures and changes in emergency exit covers and ladders. The accurate cost of such work cannot be estimated at the present time but it is thought that about \$1,700 will cover it and this amount should be added to the amount of the low bidder when making the request for appropriation from the Board of Estimate and Apportionment.

Recommendation: From an engineering standpoint, I respectfully recommend that the contract for work under Agreement "CC," Changes in Subway Structure on Account of Widening of Roadway of East 60th Street, Borough of Manhattan, be awarded to the low bidder, Benedetto, Saussez & Bottino, at its bid figure of \$60,317.00 and that a requisition be made on the Board of Estimate and Apportionment for consent to said proposed agreement and the utilization of \$62,000 of the appropriation of \$116,000 made by the Board of Estimate and Apportionment on July 19, 1922, aforesaid.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment on July 19, 1922 adopted the following resolution:

"Resolved, By the Board of Estimate and Apportionment, that, pursuant to the provisions of Section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding one hundred and sixteen thousand (\$116,000) dollars, which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which, to the amount of the par value thereof, to be used for reconstructing gratings, vault lights, etc., along the curb line of 60th Street between 2d and 5th avenues, Manhattan, in order to permit of the widening of the roadway, under the jurisdiction of the President, Borough of Manhattan; the cost of such portions of the proposed work as are performed by the operating company (under the supervision of the Transit Commission) to be expended by the Borough President upon vouchers to be prepared by the Transit Commission."

; and

Whereas, There has been prepared and advertised a proposed contract for the performance of such work and bids were received on February 26, 1923 respectively totalling as follows:

Benedetto, Saussez & Bottino.....	\$60,317.00
Jacob Schlesinger, Inc.....	87,642.50
M. A. Charles.....	89,922.00
Contractors Service Corp.....	96,275.00
Gustin-Morris Contg. Corp.....	99,764.50

; and

Whereas, The Chief Engineer of this Commission by communication dated February 27, 1923 reports that the amount of the low bid so received is reasonable and that said firm is financially able and competent to perform the work under said contract and has recommended the award of said proposed contract to said firm and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$62,000 from the appropriation made by the Board of Estimate and Apportionment on July 19, 1922,

Resolved, That the said report and recommendation be and the same hereby are approved; that the said bid of Benedetto, Saussez & Bottino be and the same hereby is accepted and that said proposed contract for such work (Agreement "CC") be and the same hereby is awarded to said Benedetto, Saussez & Bottino, subject to its being consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the setting aside of the sum of \$62,000 for the appropriation made on July 19, 1922 aforesaid, be and the same hereby are approved and that they be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK

Gentlemen:

Your Honorable Board on July 19, 1922 adopted the following resolution:

"Resolved, By the Board of Estimate and Apportionment, that, pursuant to the provisions of Section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding one hundred and sixteen thousand (\$116,000) dollars, which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which, to the amount of the par value thereof, to be used for reconstructing gratings, vault lights, etc., along the curb line of 60th Street between 2d and 5th Avenues, Manhattan, in order to permit of the widening of the roadway, under the jurisdiction of the President, Borough of Manhattan; the cost of such portions of the proposed work as are performed by the operating company (under the supervision of the Transit Commission) to be expended by the Borough President upon vouchers to be prepared by the Transit Commission."

The Commission has prepared and advertised a proposed contract for the performance of such work (Agreement "CC") and bids respectively totalling as follows were received on February 26, 1923:

Benedetto, Saussez & Bottino.....	\$60,317.00
Jacob Schlesinger, Inc.....	87,642.50
M. A. Charles.....	89,922.00
Contractors Service Corp.....	96,275.00
Gustin-Morris Contg. Corp.	99,764.50

The Chief Engineer of this Commission in a communication dated February 27, 1923 reports that the bid of Benedetto, Saussez & Bottino, the low bidder, is reasonable and that the said firm is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted such bid and awarded said proposed contract to the said Benedetto, Saussez & Bottino subject to its being approved and consented to in form and substance as required by law.

The Chief Engineer in reporting as aforesaid states:

"In addition to the work contained in the schedule for which bids were received, a small amount of work is to be done by the Operating Company, such as changes of lighting within the emergency exits effected at cost to the contractor plus 5% and a considerable amount of work is to be done under Item 150 at cost plus 15%; such work consisting of changes in waterproofing, cutting of steel, changes of sub-surface structures and changes in emergency exit covers and ladders. The accurate cost of such work cannot be estimated at the present time but it is thought that about \$1,700 will cover it and this amount should be added to the amount of the low bidder when making the request for appropriation from the Board of Estimate and Apportionment."

Your Board is therefore requested to consent to such proposed contract herewith transmitted and to set aside from the appropriation of One Hundred and Sixteen Thousand (\$116,000) Dollars made as aforesaid on July 19, 1922, the sum of Sixty-two Thousand (\$62,000) Dollars, being the amount estimated to meet the City's obligations under said proposed contract.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

250—R. T. 6458

Contracts Nos. 1 and 3—Report by Chief Engineer Recommending Reduction of Requisition on Board of Estimate and Apportionment for Appropriation for Construction of Additional Stairway at 96th Street Station—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated February 24, 1923, recommending that the requisition submitted to the Board of Estimate and Apportionment on February 20, 1923, for the construction of an additional stairway to the 96th Street station of the Manhattan-Bronx Rapid Transit Railroad, be reduced from \$55,000 to \$25,000 as the City's share of the cost of the work.

The following resolution was adopted:

Whereas, Under date of February 20, 1923, pursuant to the resolution adopted by this Commission requisition was made upon the Board of Estimate and Apportionment for the consent of said Board to the proposed agreement between The City of New York and Interborough Rapid Transit Company for the construction of an additional stairway to the 96th Street Station of the Manhattan-Bronx Rapid Transit Railroad as an Addition to Construction, as defined in the Contract No. 3, and for the appropriation of the sum of \$55,000 as representing one-half the estimated cost of such work; and

Whereas, The Chief Engineer of this Commission by communication dated February 24, 1923, has reported that an estimate having been made upon the detailed plans indicates that the approximate cost of the work is \$50,000 and recommends that said requisition on the Board be reduced from \$55,000 to \$25,000; and

Whereas, Counsel has prepared and submitted a proposed requisition which will effect such recommendation;

Resolved, That the said report and recommendation be and the same hereby is approved and that the requisition in form so submitted be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

February 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT,
Municipal Building, New York City.
Gentlemen:

On February 20, 1923, the Transit Commission transmitted to your Honorable Board for its consent a proposed agreement between The City of New York, acting by the Transit Commission and Interborough Rapid Transit Company for the construction of an additional stairway to the 96th Street Station of the Manhattan-Bronx Rapid Transit Railroad, such work to be performed as an Addition to Construction in accordance with the provisions of Contract No. 3, together with a requisition upon your Honorable Board for the appropriation of a sum of \$55,000, being one-half of the estimated cost of carrying out the contract under said proposed agreement in accordance with said provisions of said Contract No. 3, with respect to the making of Additions to Construction. The Chief Engineer of the Commission by communication, dated February 24, 1923, has reported with respect to the amount of said requisition as follows:

"This refers to the Commission's communication of February 20, 1923 to the Board of Estimate and Apportionment, requesting approval of a proposed agreement for the construction of an additional entrance at the southerly end of the 96th Street Station of the Manhattan-Bronx Rapid Transit Railroad, and requesting an appropriation of \$55,000 as the City's share of the cost of the work. This amount was based on an old estimate.

"An additional entrance to the 96th Street Station was considered in 1915. Detailed plans, however, were not prepared at that time, and the rough estimate for the work amounted to \$60,000. In a report of February, 1921, this estimate was used as a basis, and about 80% added thereto due to the effect of war conditions. The amount given in that report was \$110,000.

"Following the Commission's approval of the additional entrance to this station, detailed plans were made. Furthermore, the cost of construction in general has gone down. Our estimate, now based on these plans in which the Interborough Rapid Transit Company concurs, is \$50,000. On the latter basis, the City's share would be about \$25,000 instead of \$55,000 as stated in the communication to the Board of Estimate.

"Recommendation: I would therefore respectfully recommend that the Commission take the necessary action to change the amount of requisition from \$55,000 to \$25,000."

Accordingly, the Transit Commission hereby amends the requisition of February 20, 1923, so as to reduce the estimated cost of the work to \$50,000 instead of \$110,000 and to reduce the requisition of \$55,000 to \$25,000, as being the estimated cost of the City's share of carrying out said work and your Honorable Board is requested to consent to said proposed agreement transmitted on February 20, 1923, and to appropriate in accordance with this amended requisition the sum of \$25,000 as a subrequisition under and not in addition to those heretofore made for the purposes of carrying out Contract No. 3, and the appropriations made in consequence thereof.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

251—R. T. 7639, 7549

Agreement "CC"—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders for Alterations in Structure to Permit Widening of East 60th Street—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on February 26, 1923 for alterations in the railroad structure of Routes Nos. 4 & 36, Section No. 5, so as to permit the widening of the roadway of East 60th Street,

Borough of Manhattan, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to the lowest of the bidders the certified checks in the sum of One thousand dollars (\$1,000) each deposited with their bids.

252—R. T. 7638

Order No. 22—Form of Contract, Specifications, Invitation to Contractors, etc., for Supply of Special Work—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings, for the supply of Special Work and Track Fittings (Order No. 22), for use in the construction of various parts of the dual system of rapid transit railroads,

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings, for the supply of Special Work and Track Fittings (Order No. 22), for use in the construction of various parts of the dual system of rapid transit railroads, be and hereby are approved and adopted and that said Invitation to Contractors be published in the CITY RECORD every day of publication continuously from and including March 1, 1923, to and including March 16, 1923, and on March 7, 1923, and March 14, 1923, in THE MORNING TELEGRAPH and THE EVENING POST, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 16th day of March, 1923, at eleven-thirty (11:30) o'clock A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

253—R. T. 7651, 7652

Route No. 45—Draft Form of Contract for Construction of Broad and Nassau Streets Route—Resolution Fixing Hearing and Directing Notice Be Advertised

The following resolution was adopted:

Whereas, There is now submitted to this Commission a draft form of a proposed contract for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Broad and Nassau Streets (under Contract No. 4),

Resolved, That before finally fixing the terms and conditions of said proposed contract for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Broad and Nassau Streets (under Contract No. 4), a public hearing upon the proposed terms and conditions thereof shall be held on the 26th day of March, 1923, at the office of the Transit Commission at No. 49 Lafayette Street, Borough of Manhattan, New York City, at 11:30 o'clock A. M. at which hearing citizens shall be entitled to appear and be heard and that notice of such hearing shall be published in the CITY RECORD every day of publication continuously from and including March 9, 1923 to and including March 26, 1923 and on March 14, 1923, and March 21, 1923 in THE NEW YORK TRIBUNE and THE SUN, daily newspapers published in The City of New York and that such notice shall state that copies of said draft of proposed contract may be obtained at the said office of the Transit Commission on payment of the fee of One Dollar (\$1.00) for each copy.

254—R. T. 7535

Agreement "BU"—Report by Chief Engineer Recommending Extension of Time to February 1, 1923, within Which to Complete Contract for Installation of Ladders and Gratings in Shafts of Bronx River Duct Tunnel—Approval Resolution

A report was presented from the Chief Engineer dated February 24, 1923, recommending that an extension of time be granted to Vulcan Rail and Construction Company from September 2, 1922 to February 1, 1923, within which to complete the

contract for construction and installation of steel ladders and gratings in the shafts of the Bronx River Duct Tunnel (Agreement "BU").

• The following resolution was adopted:

Whereas, The Contract dated May 31, 1922, between The City of New York, acting by the Transit Commission and Vulcan Rail and Construction Company for the construction and installation of steel ladders and gratings in two shafts of the Bronx River Duct Tunnel of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad (Routes Nos. 19 and 22, Section No. 2), requires the completion of all work thereunder on or before the expiration of three (3) months after the date of delivery of said Contract, which Contract was delivered on June 2, 1922, the last day for completion being September 2, 1922; and

Whereas, The Chief Engineer of this Commission by communication dated February 24, 1923, has reported that the contractor began work promptly after the delivery of the Contract and on September 2, 1922 had fabricated and erected all the steel required under the Contract making the tunnel fully available for cable installation; the Contractor was however delayed in the painting of the steel because of work being performed by the employees of the Interborough Rapid Transit Company in the installation of lights, pumps and electrical equipment; that the Contractor arranged with said Company to have it do the painting after the installation of the permanent pumps; that all the work under said Contract was in all respects completed on or before February 1, 1923; that the City suffered no loss due to said delay and recommends that the time within which to complete the work under said Contract be extended to and including February 1, 1923;

Resolved, That the said report and recommendation be and the same hereby is approved; that the time of Vulcan Rail and Construction Company within which to complete the work under said Contract be and the same hereby is extended to and including February 1, 1923.

255—R. T. 7535

Agreement "BU"—Certificate by Chief Engineer of Completion of Contract for Installation of Ladders and Gratings in Bronx River Duct Tunnel—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

February 24, 1923.

TO: TRANSIT COMMISSION:

Certificate of Completion: Steel Ladders and Gratings in Shafts of Bronx River Duct Tunnel—Routes 19 and 22, Section 2—Agreement "BU."

In connection with the contract dated May 31, 1922, between the City of New York and Vulcan Rail and Construction Company for the construction of steel ladders and gratings in two shafts of the Bronx River Duct Tunnel, Routes Nos. 19 and 22, Section 2, I hereby certify that all work was completed on February 1, 1923. The total cost of the work was \$3,335.32.

In accordance with the provisions of the contract, all work should have been completed by September 2, 1922. The time for completion, however, was extended to February 1, 1923, by resolution of the Transit Commission adopted on February 27, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

the construction and installation of steel ladders and gratings in two shafts of the Bronx River Duct Tunnel of the City of New York.

ROBERT RIDGWAY,
Chief Engineer,
Transit Commission.

The following resolution was adopted:

Whereas, The contract dated May 31, 1922, between The City of New York, acting by the Transit Commission and Vulcan Rail and Construction Company for the construction and installation of steel ladders and gratings in two shafts of the Bronx River Duct Tunnel of the Seventh Avenue-Lexington Avenue Rapid Transit Rail-

road (Routes Nos. 19 and 22, Section No. 2), required the completion of all work thereunder on or before September 2, 1922, which time was extended to and including February 1, 1923, by resolution of the Transit Commission adopted on February 27, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated February 24, 1923, has reported that all the work under said Contract was in all respects completed on or before February 1, 1923; that the total amount due therefor was \$3,335.32 and recommends that the work so performed be accepted and that a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of The City of New York,

Resolved, That the said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

256—R. T. 7561

Agreement "BX"—Certificate by Chief Engineer of Completion of Contract for Station Finish for Sub-passageway at 23rd Street Station—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

February 21, 1923.

To: TRANSIT COMMISSION:

Certificate of Completion: Completion of Station Finish for Sub-passageway at 23rd Street Station—Agreement "BX."

In connection with the contract dated June 8, 1922, between the City of New York and Stander & Solow, Inc., for the completion of station finish for the sub-passageway at the 23rd Street Station (Routes 4 & 36, Section 1), I hereby certify that all work was completed on November 14, 1922. The total cost of the work was \$6,851.70.

In accordance with the provisions of the contract, all work should have been completed on October 10, 1922. The time for completion, however, was extended to November 14, 1922, by resolution of the Transit Commission adopted on November 28, 1922. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended: That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBERT RIDGWAY,
Chief Engineer,
Transit Commission.

The following resolution was adopted:

Whereas, The contract dated June 8, 1922, between The City of New York acting by the Transit Commission and Stander & Solow, Inc., for the completion of station finish for the sub-passageway at the 23rd Street Station (Routes 4 & 36, Section 1), described in the contract dated March 19, 1913, known as Contract No. 4, required the completion of all work thereunder on or before October 10, 1922, which time was extended to and including November 14, 1922, by resolution of the Transit Commission adopted on November 28, 1922; and

Whereas, The Chief Engineer of this Commission has by communication dated February 21, 1923, reported that all the work under said contract was in all respects completed on or before November 14, 1922; that the total amount due therefor was \$6,851.70 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

Resolved, That the said report and recommendation aforesaid be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

257—R. T. 7577

Route No. 16—Certificate by Chief Engineer of Completion of Contract for Installation of Frogs, Switches, Track and Bumping Posts in Jerome Avenue Yard—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

February 21, 1923.

TO: TRANSIT COMMISSION:

Certificate of Completion: Installation of Frogs, Switches, Track and Bumping Posts in the Jerome Avenue Yard, Route No. 16

In connection with the contract dated October 26, 1922 between The City of New York and Slattery Engineering and Construction Co., Inc., for the installation of frogs, switches, track and bumping posts in the Jerome Avenue Yard (Route No. 16), I hereby certify that all work was completed on February 1, 1923. The total cost of the work was \$19,767.72.

In accordance with the provisions of the contract, all work should have been completed on December 25, 1922. The time for completion, however, was extended to February 1, 1923 by resolution of the Transit Commission adopted on February 14, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended: That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
Transit Commission.

The following resolution was adopted:

Whereas, The contract dated October 26, 1922, between The City of New York, acting by the Transit Commission and Slattery Engineering and Construction Company, Inc., for the installation of frogs, switches, track and bumping posts in the Jerome Avenue Yard of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad, described in the contract dated March 19, 1913, known as Contract No. 3, required the completion of all work thereunder on or before December 25, 1922, which time was extended to and including February 1, 1923, by resolution of the Transit Commission adopted on February 14, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated February 21, 1923, has reported that all the work under said contract was in all respects completed on or before February 1, 1923; that the total amount due therefor was \$19,767.72 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York,

Resolved, That the said report and recommendation aforesaid be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

258—R. T. 6080

Fourth Avenue Subway—Report by Real Estate Clerk as to Fire in Premises at Nos. 77-83 Rockwell Place and Requesting Authorization to Make Insurance Adjustment—Approval Resolution

A report was presented from the Real Estate Clerk dated February 26, 1923, as to the damages to the premises at Nos. 77-83 Rockwell Place, Borough of Brooklyn, due to a fire on February 25, 1923, and requesting that he be authorized to make an adjustment of the damage with the insurance companies, and that the tenant be relieved from his obligation to pay rent during the period that the place is untenable.

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of February 26, 1923, reports that the

property of the City of New York, under the jurisdiction of the Commission, at No. 77 Rockwell Place, Borough of Brooklyn, was damaged by fire on February 25, 1923, and that the building has been insured by tenants holding concessions in the building or in an adjacent property, in the aggregate amount of \$5,500, recommending that he be authorized, subject to the approval of Counsel, to make an adjustment with Union Assurance Society, Limited of London, England, and North British & Mercantile Insurance Company Limited, the insuring companies, which will bring about a restoration of the building substantially to a condition existing before the fire, without cost to the City, and that the holder of the concession or tenancy, Strand Billiard Academy, a registered partnership, be relieved from obligation to pay rental during the period that the premises are unfit for occupancy, beginning March 1, 1923, in which recommendation Counsel has concurred;

Resolved, That the Commission do and it hereby does, authorize the Real Estate Clerk, subject to the approval of Counsel, to adjust with the said insurance companies the matter of damage by fire to the building at No. 77 Rockwell Place as aforesaid, so as to bring about the restoration of the building substantially to its condition prior to the fire; and it is further

Resolved, That Strand Billiard Academy, the present holder of a concession on the premises be, and it hereby is, relieved from the obligation to pay rental during the period the building shall not be tenantable, beginning March 1, 1923, the Commission reserving all of its rights under the existing rental arrangement with the tenant, particularly to terminate all of the tenant's rights in and to the premises upon ten (10) days' notice.

259—R. T. 7623

Agreement "CH"—Resolution Approving Sureties upon Bond in Sum of \$6,000 Deposited by Contractor for Furnishing and Installing Two Passenger Elevators at 168th Street Station—Adopted

The following resolution was adopted:

Resolved, That the United States Fidelity & Guaranty Company and American Surety Company of New York be and hereby are approved as sureties upon the bond in the sum of Six thousand dollars (\$6,000) deposited by Otis Elevator Company as security for the faithful performance of the contract for furnishing and installing two electric passenger elevators in the new entrance to the 168th Street Station of the Manhattan-Bronx Rapid Transit Railroad, Agreement "CH," each of said sureties being held and bound in the sum of Three thousand dollars (\$3,000).

260—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Shoe Fuse Brackets for 100 Steel Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated February 18, 1923, requesting approval of a proposed purchasing agent's order directed to the Van Dorn Coupler Company for 800 shoe fuse brackets to be installed on 100 steel trailer cars at a cost of \$3,240.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 10, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 18, 1923, directed to Van Dorn Coupler Company for the manufacture and delivery of the following:

400 Brackets, R.H. shoe fuse, Pat. No. 706-B annealed steel casting, per Spec. 55-C, finished per B/P 4738-I. Price: \$4.05 each.....	\$1,620.00
400 Brackets, L.H. shoe fuse, Pat. No. 707-B, annealed steel casting, per Spec. 55-C, finished per B/P 4738-I. Price: \$4.05 each	1,620.00
Total	\$3,240.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 444"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated February 10, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said materials:

Van Dorn Coupler Co.....	\$3,240
Elcon Company	3,420
Columbia Machine Works & Mall. Iron Co.....	4,480
Isaac G. Johnson and Co.....	12,960
P. H. Gill and Sons.....	No bid.
R. Steel and Sons.....	No bid.
Strong Steel Foundry.....	No bid.
Farrell-Cheek Foundry	No bid.

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

261—R. T. 7367

Routes Nos. 35 & 67—Communication from Counsel Submitting Proposed Agreement for Modification of Ventilator Chamber in Front of Premises at Nos. 119-127 West 41st Street—Approval Resolution

A communication was presented from Counsel dated February 21, 1923, submitting a proposed agreement with The Rudolph Wurlitzer Company for a modification of the construction of a ventilator chamber in front of the premises at Nos. 119-127 West 41st Street, so as to allow a minimum encroachment upon the vault space in front of the premises, together with a certified check in the sum of \$8,500 deposited by the owner in satisfaction of the obligations under the proposed agreement.

The following resolution was adopted:

Whereas, Counsel, with his letter dated February 21, 1923, has submitted to this Commission a proposed agreement between The City of New York, acting by the Transit Commission, and The Rudolph Wurlitzer Company for the construction, maintenance and operation of a ventilator chamber in such manner as to avoid the vault space, located in front of the premises Nos. 119-127 West Forty-first Street in the Borough of Manhattan, and has recommended that such proposed agreement be

approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This proposed agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

262—R. T. 3041

New York Connecting Railroad Company—Communication from Department of Finance Requesting Certification as to Date from Which Rental Should Be Computed—Approval Resolution—Certificate

A communication was presented from Henry Smith, Deputy Comptroller, requesting a certificate as to the date when operation was begun by the New York Connecting Railroad Company so as to compute rentals to be paid.

A communication was presented from Counsel dated February 21, 1923, transmitting a proposed certificate.

The following resolution was adopted:

Whereas, The certificate dated February 14, 1907 granted to New York Connecting Railroad Company by the Board of Rapid Transit Railroad Commissioners for The City of New York under and pursuant to the provisions of the Rapid Transit Act provides in Article V thereof that the Board shall certify to the Comptroller the date from which the payments therein provided for shall respectively be computed; and

Whereas, Under said certificate this Commission is the successor to the said Board of Rapid Transit Railroad Commissioners; and

Whereas, The Comptroller of The City of New York, by communication dated February 5, 1923 has by his Deputy, Hon. Henry Smith, requested this Commission to make such certificate; and

Whereas, Counsel has prepared and submitted a proposed certificate in compliance with the provisions of said Article V of said certificate and has recommended the adoption, execution and delivery thereof,

Resolved, That the said proposed certificate be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized to execute and deliver it to the Comptroller of The City of New York.

The certificate was as follows:

TRANSIT COMMISSION OF THE STATE OF NEW YORK
to

THE COMPTROLLER OF THE CITY OF NEW YORK.

Certificate fixing dates from which payments of rental shall respectively be computed in accordance with the provisions of the Certificate dated February 14, 1907, as modified, granted by The Board of Rapid Transit Railroad Commissioners for The City of New York to The New York Connecting Railroad Company.

Whereas, The Board of Rapid Transit Railroad Commissioners for the City of New York did by certificate dated the 14th day of February, 1907, in pursuance of the provisions of the Rapid Transit Act, being Chapter 4 of the Laws of 1891, authorize The New York Connecting Railroad Company to construct and operate a certain railroad in The City of New York, which certificate as heretofore duly modified is hereinafter referred to as the "Certificate"; and

Whereas, The Certificate provides in Article V thereof:

"The Board shall certify to the Comptroller the dates from which the payments herein provided for shall respectively be computed."

; and

Whereas, The Transit Commission has by virtue of the provisions of the Public Service Commission Law as amended by Chapter 134 of the Laws of 1921, succeeded to all of the powers and duties of the Board of Rapid Transit Railroad Commissioners for The City of New York, including the powers and duties of the said Board under the Certificate; and

Whereas, The Comptroller by communication dated February 5, 1923, has re-

quested the Transit Commission to make the certification as in the Certificate required aforesaid; and

Whereas, The Certificate also provides in Article V thereof as follows:

"The Railroad Company shall make further and annual payments to the City as follows, these payments to be over and above all taxes lawfully levied upon the property of the Railroad Company:

First: The Railroad Company shall pay to the City for the right, so far as derived and held by it under this Certificate, to construct, maintain and operate the new railroad over the East River between bulkhead lines as heretofore determined by the War Department of the United States, the sum of One Hundred dollars (\$100) for each year beginning on the date on which the Railroad Company shall first commence the actual operation of the new railroad, but not later than two years after the first day when the Railroad Company shall have obtained all the consents required to be obtained by Article II of this Certificate, and ending on the day twenty-five (25) years from the day when the said payments are to begin.

Second: The Railroad Company shall pay to the City for the right to construct, maintain and operate the new railroad across streets and other public property other than Ward's Island and Randall's Island, the following compensation or rental, to wit: the sum of Twenty-seven thousand five hundred dollars (\$27,500) per annum, the said payments to begin on the date when the Railroad Company shall first commence actual operation of the new railroad, but not later than two years after the first day when the Railroad Company shall have obtained the consents required to be obtained by said article II hereof, and to end on the day ten (10) years next thereafter, and Fifty-five thousand dollars (\$55,000) per annum during the period beginning on the last day of such ten (10) years and ending on the day fifteen (15) years next thereafter.

Third: The Railroad Company shall pay as rental the reasonable value of the use and occupation by the Railroad Company of the portions of ground upon the said Ward's Island and Randall's Island permanently occupied by the abutments, piers and other supports of the bridge or elevated structure and of the use and occupation by the Railroad Company of the portions of overhead space above said Islands occupied by such bridge or elevated structure or for any purpose whatsoever to be used in connection with the construction of the railroad. *The time for such payment shall be computed from the date of the first occupation of the ground of Ward's or Randall's Island for any purpose of such bridge or elevated structure. * * **

Now, Therefore, The Transit Commission does hereby pursuant to and in accordance with the said provisions of the Certificate certify to the Comptroller of The City of New York, as follows:

1. That in accordance with the provisions of paragraph "First" of Article V of the Certificate, "the date on which the Railroad Company shall first commence the actual operation of the new railroad, but not later than two years after the first day when the Railroad Company shall have obtained all the consents required to be obtained by article II of this Certificate, * * *" was July 20, 1912.

2. That in accordance with the provisions of paragraph "Second" of Article V of the Certificate, "the date when the Railroad Company shall first commence actual operation of the new railroad, but not later than two years after the first day when the Railroad Company shall have obtained the consents required to be obtained by said article II hereof, * * *" was July 20, 1912.

3. That in accordance with the provisions of paragraph "Third" of Article V of the Certificate "the date of the first occupation of the ground of Ward's or Randall's Island for any purpose of such bridge or elevated structure, * * *" was November 11, 1912.

In Witness Whereof, This Certificate has been made by the Transit Commission pursuant to the provisions of the Certificate, as successor to the Board of Rapid Transit Railroad Commissioners for The City of New York, and is now attested by the signature of its Chairman who is its presiding officer and its Secretary, this 27th day of February, 1923.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

Attest:
JAMES R. WALKER,
Secretary

263—R. T. 6567

Contract No. 3—Communication from Corporation Counsel Requesting Objections Be Made to Certain Items in Thirty-sixth Quarterly Determination of Cost—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Recommending Objections Be Filed on Behalf of Corporation Counsel—Communication to Chief Engineer—Approved

A communication was presented from Hon. George P. Nicholson, Corporation Counsel, dated February 21, 1923, requesting that objections be made to certain items in the Thirty-sixth Quarterly Determination of Cost rendered under Contract No. 3.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated February 24, 1923, recommending that the Commission file objections on behalf of the Corporation Counsel.

The following communication to the Chief Engineer was approved:

February 26, 1923.

ROBERT RIDGWAY, Esq.,
Chief Engineer, Transit Commission,
49 Lafayette Street,
New York City.
Sir:

The Transit Commission of the State of New York, by virtue of the provisions of Chapter 134 of the Laws of 1921, has examined the Quarterly Determination rendered by you dated December 27, 1922 for the period beginning January 1, 1922 and ended March 31, 1922, being the Thirty-sixth Quarterly Determination, made pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company and desires to apprise you that it has no objections (except as hereinafter quoted) to file to the determinations therein made. On behalf of the Corporation Counsel of The City of New York the Transit Commission, in compliance with the written request of said Corporation Counsel dated February 21, 1923 herewith files with you the following objections to the determinations made as aforesaid:

"The City of New York objects to the said Determination as prepared by the Chief Engineer for the Transit Commission and especially refers to the following items; and the reasons for its objections thereto, to wit:

1. On Page 42 of the Thirty-sixth Determination this entry
C-S-30 (1)—Interlocking plant West of Hoyt Street Station on account of Seventh Avenue Connection..... \$111.50
This should be charged to equipment.
2. Also on Page 42, the following:
C-S-47 (1)—Repairs to defective plumbing of Cortlandt Street Station \$144.38
This is a maintenance charge.
3. Also on Page 42, this—
C-E-31 (1)—Cleaning up prior to operation on Eastern Parkway Line \$5.11
This work should have been done by the contractor who left the debris.
4. On page 82 of the Thirty-sixth Determination it is stated that the total cost reported to March 31, 1922, under agreement 4 is \$103,998.34 Agreement 4 was consented to in the sum of \$100,000 by the Board of Estimate and Apportionment and exception is taken to the inclusion thereunder of all cost incurred under that Agreement in excess of the amount consented to by the Board.
5. Exception is taken to the inclusion within the Thirty-sixth Determination of each item listed on Page 82 under proposed agreement 8.
Irrespective of the equity or fairness of the items so listed, exception is taken to the inclusion in the Determination of cost of any amount under

a proposed agreement before it has received the consent of the Board of Estimate and Apportionment as provided by Contract No. 3.

6. Objection is made to the inclusion within any or each of the determinations of the Company's contribution to cost of construction of items covering the cost of installation, maintenance, operation or removal of equipment. The installation and operation of equipment, whether temporary or permanent, are proper charges against the Company's contribution to equipment under Contract No. 3 and should not under any circumstances be included in construction costs.

7. Exception is taken to the inclusion within the Determination of Company's contribution to cost of construction of items covering the cost of construction or erection of special houses, shelters or protective coverings of special or regular items of equipment, except where the same are or may be properly included within the building or shelter on elevated or exposed portions of rapid transit lines for signal or other purposes. It is contended that the covering and protection of such items of equipment are in a large measure incidental to the nature of that equipment and that the City is not bound to cover or protect equipment aside from the general construction of the subway and the masonry ducts therein.

8. Objection is made to the inclusion within any or each of the Determination of items covering in whole or in part the cost of replacements, removals, rearrangements, relocations, etc., of property previously existing. The amount of depreciation accrued on the replaced items should be credited and only net cost representing net additions should be included within the Determinations, in accordance with the definitions of costs of Contract No. 3.

9. Exception is taken to items of interest on the 8 per cent. notes. These excessive charges of interest were made necessary because of the profligate manner in the handling of its finances by the Interborough Rapid Transit Company. Also, a large part of the moneys raised by the note issue were used to reimburse the treasury for the past construction expenditures and not to finance new construction. Thus, objection is made to the charge on page 88 of \$409,999.52.

10. Objection is made to the inclusion within any and each of the Determinations of items covering the allowance for Superintendence because the same are excessive and unreasonable. This is illustrated by the following items:

On page 46, under Account 20, there is credited \$16.00 for labor and material and a charge of \$319.61 for superintendence; on page 48 under account 40, a credit of \$404.70 for labor and material and a charge of \$525.02 for superintendence; also on page 48 under account 20 a charge of \$109.94 for labor and material and a charge of \$665.95 for superintendence; on page 49 under account 28, a charge of \$683.62 for labor and material and a charge of \$415.24 for superintendence; in the same way there are many similar excessive and unreasonable charges for superintendence under other accounts to all of which the City objects.

11. The City also takes exception to the inclusion within the Determination of each and every one of the several items which have been deducted by the Chief Engineer as improper charges of the lessee and which are given in detail upon pages 68 to 81 inclusive of the volume of Determination.

In addition to the objections above set forth, further objection is made to the items so determined by the Chief Engineer by reason of the fact that they are deemed, by The City of New York, to be excessive, improper and unauthorized, by the provisions of Contract No. 3."

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

264—R. T. 6553

Contract No. 4—Communication from Corporation Counsel Requesting Objections Be Made to Certain Items in Thirty-sixth Quarterly Determination of Cost—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Recommending Objections—Communication to Chief Engineer—Approved

A communication was presented from Hon. George P. Nicholson, Corporation Counsel, dated February 21, 1923, requesting that objections be made to certain items in the Thirty-sixth Quarterly Determination of Cost rendered under Contract No. 4.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated February 24, 1923, recommending that the Commission file objections on behalf of the Corporation Counsel.

The following communication to the Chief Engineer was approved:

February 26, 1923.

ROBERT RIDGWAY, Esq.,
Chief Engineer, Transit Commission,
49 Lafayette Street,
New York City.

Sir:

The Transit Commission of the State of New York, by virtue of the provisions of Chapter 134 of the Laws of 1921, has examined the Quarterly Determination rendered by you dated December 27, 1922, for the period beginning January 1, 1922, and ending March 31, 1922, being the Thirty-sixth Quarterly Determination, made pursuant to the provisions of

(1) the contract dated March 19, 1913, between The City of New York and New York Municipal Railway Corporation;

(2) the certificate dated March 19, 1913, granted by the Public Service Commission for the First District to the New York Municipal Railway Corporation for additional tracks;

(3) the certificate dated March 19, 1913, granted by the Public Service Commission for the First District to New York Municipal Railway Corporation for elevated extensions;

and desires to apprise you that it has no objections (except as hereinafter quoted) to file to the determination therein made.

On behalf of the Corporation Counsel of The City of New York, the Transit Commission, in compliance with the written request of said Corporation Counsel dated February 21, 1923, herewith files with you the following objections to the determination made as aforesaid:

"The City of New York, under and in pursuance of the provisions of Contract No. 4, hereby files with you its objections to the Thirty-sixth Quarterly Determination of the Chief Engineer for the Transit Commission, dated December 27, 1922, and especially refers to the following items and the reasons for its objections thereto, to wit:

1. Objection is made to the inclusion within any or each of the determinations of items covering in whole or in part the cost of replacements, removals, rearrangements, relocations, etc., of property previously existing. The amount of depreciation accrued on the replaced items should be credited and only net cost representing net additions should be included within the determinations, in accordance with the definitions of cost of Contract No. 4 and Related Certificates.

2. The City takes exception to the interest cost as charged by the lessee under Contract No. 4; and supports the statement of the Chief Engineer that \$4,155,562.90 should be deducted from the Company's interest charge.

3. The City also joins in taking exception to the inclusion in the Company's cost of the itemized charges noted on page 123 in the Volume of the Determinations under the heading of "Summary of Adjustments to Company's Reported Costs."

In addition to the objections above set forth, further objection is made to the items so determined by the Chief Engineer by reason of the fact that they are deemed, by The City of New York, to be excessive, improper and unauthorized under the provisions of Contract No. 4."

TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

265—R. T. 6418, 6420

Additional Tracks and Extensions—Communication from Corporation Counsel Requesting Objections Be Made to Certain Items in Statement of Cost of Additional Tracks and Extensions for Period Ended March 31, 1922—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Recommending that Objections Be Filed on Behalf of Corporation Counsel—Communication to Chief Engineer—Approved

A communication was presented from Hon. George P. Nicholson, Corporation Counsel, dated February 21, 1923, requesting that objections be made to certain items in the Statement of Cost of Additional Tracks and Extensions rendered by the Chief Engineer for the period ended March 31, 1922, under the certificates granted to the Manhattan Railway Company and the Interborough Rapid Transit Company.

A report was presented from the Auditor of Rapid Transit Costs and Assistant Chief Accountant dated February 24, 1923, recommending that the Commission file objections on behalf of the Corporation Counsel.

The following communication to the Chief Engineer was approved:

February 26, 1923.

ROBERT RIDGWAY, Esq.,
Chief Engineer of the Transit Commission,
49 Lafayette Street,
New York City.
Sir:

On behalf of the Corporation Counsel of The City of New York, the Transit Commission, in compliance with the written request of said Corporation Counsel dated February 21, 1923, herewith files with you the following objections to your report dated December 27, 1922, of the Cost to March 31, 1922, of Manhattan Railroad Extensions and Additional Tracks, authorized by the certificate granted to Interborough Rapid Transit Company for Elevated Extensions and Certificate granted the Manhattan Railway Company for Additional Tracks, dated March 19, 1913, granted by the Public Service Commission for the First District:

"The City of New York objects to the said Report of the Chief Engineer for the Transit Commission, and especially refers to the following items and the reasons for its objections thereto, to wit:

1. Objection is made to the inclusion within any or each of these reports of items covering in whole or in part the cost of replacements, removals, rearrangements, relocations, etc., of property previously existing. The amount of depreciation accrued on the replaced items should be credited and only net cost representing net additions should be included in these costs, in accordance with the definitions of costs of the certificates granted to the Interborough Rapid Transit Company and to the Manhattan Railway Company.

2. Exception is taken to items of interest on the 8 per cent. notes. These excessive charges of interest were made necessary because of the profligate manner in the handling of its finances by the Interborough Rapid Transit Company. Also, a large part of the moneys raised by the note issue were used to reimburse the treasury for past construction expenditures and not to finance new construction. Thus, objection is made to the following amounts on pages 44 and 45:

\$33,413.16
27,767.37
27,767.34
5,287.11

3. Objection is made to the inclusion within any and each of the Determinations of items covering the allowance for Superintendence because the same are excessive and unreasonable. This is illustrated by the following items:

On page 27, under account 50, Second Avenue Line, the total charge of \$502.13 is for superintendence; also on page 27 under account 20, Third Avenue Line, the charge for labor and material is \$236.65, and for superintendence, \$174.17; also on page 27, under account 50, Third Avenue Line, the entire charge of \$1,307.56 is for superintendence; on page 28, under account 20, Ninth Avenue Line, the charge for labor and material is \$132.71 and the charge for superintendence \$213.24; in the same way there are many similar excessive and unreasonable charges for superintendence under other accounts to all of which the City objects.

4. The City also joins in taking exception to the inclusion in costs of the itemized charges noted on pages 1 and 2 in the Report under the heading of "Questioned Items."

In addition to the objections above set forth, further objection is made to the items contained in the said Report of Cost by reason of the fact that they are deemed, by the City of New York, to be excessive, improper and unauthorized."

Although the Transit Commission does not understand that your report constitutes any "statement in writing" such as Article XI of the Elevated Extensions Certificate and Article X of the Additional Tracks Certificate contemplate are to be presented to the Commission by Interborough Rapid Transit Company and Manhattan Railway Company, and although under said Certificates there are no provisions for "determinations," nor even for "reports," to be made by the Chief Engineer, nor for objections to be made thereto, the above quoted objections on behalf of the Corporation Counsel, are made to you for such effect, if any, to which they may be entitled. The making of the above objections to your said report, on behalf of the Corporation Counsel, will not, of course, serve in any way to effect or prejudice any right on the part of the Commission to agree to or to object to any statement or statements in writing, such as are contemplated by said certificates, whenever any such statements shall have been presented to the Commission.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

266—R. T. 6553

Contract No. 4—Stipulation with New York Municipal Railway Corporation Extending Time to March 26, 1923, within Which to File Objections to Thirty-sixth Quarterly Determination of Cost—Approved

The Commission approved a stipulation dated February 26, 1923, between the Commission, the New York Municipal Railway Corporation and Lindley M. Garrison, as Receiver, extending the time to and including March 26, 1923, within which to file with the Chief Engineer of the Transit Commission objections to the Thirty-sixth Quarterly Determination of Cost rendered under Contract No. 4.

267—R. T. 6567

Contract No. 3—Communication from Interborough Rapid Transit Company Submitting Copy of Objections to Thirty-sixth Quarterly Determination of Cost—Referred to Chief Accountant

The Commission referred to the Chief Accountant a communication dated February 23, 1923, from the Interborough Rapid Transit Company by J. L. Quackenbush, General Attorney, submitting copy of objections by the Interborough Rapid Transit Company to the Thirty-sixth Quarterly Determination of Cost rendered by the Chief Engineer under Contract No. 3, the original of which had been filed with the Chief Engineer.

268—R. T. 6645

Fulton Street Elevated Line—Communication from New York Municipal Railway Corporation Objecting to Resolution of December 12, 1922, Approving Plans for Strengthening Structure between Nostrand Avenue and Tillary Street with Respect to Classification and Charge for Work—Report by Chief Engineer Submitting Form of Reply to Company Stating Commission Does Not Wish to Amend Resolution—Report by Counsel Concurring in Report of Chief Engineer—Referred to Commissioner O’Ryan

A communication was presented from the New York Municipal Railway Corporation dated December 21, 1922, objecting to certain parts of the resolution adopted on December 12, 1922, which approved plans for strengthening the elevated structure of the Fulton Street Line between Nostrand Avenue and Tillary Street, with respect to the classification and charge for the work.

A report was presented from the Chief Engineer dated February 15, 1923, suggesting a communication to the Company stating that the Commission does not wish to amend the aforementioned resolution.

A report was presented from Counsel dated February 21, 1923, concurring in the report by the Chief Engineer, and suggesting that the communication be sent.

The matter was referred to Commissioner O’Ryan.

269—S. P. 744

American Railway Corporation—Bureau of Explosives—Application for Special Permission to Publish on One Day’s Notice Routine Amendments to Interstate Commerce Commission Regulations—Special Permission No. 744 Approved

An application dated February 21, 1923, by the Chief Inspector of the Bureau of Explosives of the American Railway Corporation, making application for permission to publish and file on one day’s notice supplements to freight schedule No. 1, providing for routine amendments to Interstate Commerce Commission regulations for the transportation of explosives and other dangerous articles of freight and a report dated February 26, 1923, by the Secretary of the Commission recommending that the application be approved were presented.

The Commission approved and ordered filed Special Permission No. 744, authorizing the Bureau of Explosives of the American Railway Corporation to publish and file on one day’s notice supplements to freight schedule No. 1, providing for routine amendments to Interstate Commerce Commission regulations for the transportation of explosives and other dangerous articles of freight.

270—R. T. 7623

Agreement “CH”—Statement as to Execution and Delivery of Original Contract for Furnishing and Installing Two Elevators at 168th Street Station—Contract Filed

The Commission ordered filed an original contract dated February 16, 1923, between the City of New York, acting by the Transit Commission, and Otis Elevator Company for furnishing and installing two electric passenger elevators in the new

entrance to the 168th Street Station of the Manhattan-Bronx Rapid Transit Railroad, Agreement "CH", which contract had been executed on behalf of both parties and delivered on February 23, 1923.

271—R. T. 7587

Agreement "CA"—Notice by Chief Engineer of Commencement of Work for Construction of Transformer Closets—Filed

The Commission ordered filed a notice by the Chief Engineer dated February 23, 1923, of the commencement of work by B. T. & J. J. Mack, Inc. on February 20, 1923, for the construction of transformer closets for emergency lighting, Borough of Manhattan (Agreement "CA").

272

Employees' Resolution No. 130

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Aaron Cohen, junior assistant, at \$125.08 per month, to take effect March 1, 1923; John Crawford, junior assistant, at \$125.08 per month, to take effect March 1, 1923; William R. Crittenden, junior assistant, at \$125.08 per month, to take effect March 1, 1923; Americus J. D'Atri, junior assistant, at \$125.08 per month, to take effect March 1, 1923; Harold Fink, junior assistant, at \$125.08 per month, to take effect March 1, 1923; Henry Goldfinger, junior assistant, at \$125.08 per month, to take effect March 1, 1923; Philip Kass, junior assistant, at \$125.08 per month, to take effect March 1, 1923; John Lyons, junior assistant, at \$125.08 per month, to take effect March 5, 1923; John J. Macaluso, junior assistant, at \$125.08 per month, to take effect March 1, 1923; David Margolis, junior assistant, at \$125.08 per month, to take effect March 1, 1923; Percy S. Palmer, junior assistant, at \$125.08 per month, to take effect March 1, 1923; George E. Tallman, junior assistant, at \$125.08 per month, to take effect March 1, 1923; Bernard L. Weiner, junior assistant, at \$125.08 per month, to take effect March 1, 1923.

Appointments under Rule VIII:4—James W. Carow, engineering inspector, at \$150.08 per month, to take effect February 20, 1923; Thomas W. Carr, engineering inspector, at \$150.08 per month, to take effect February 20, 1923.

Resignations—August A. Dieter, draftsman, at \$150.08 per month, to take effect February 28, 1923; Nathan Goldshlag, assistant engineer, at \$225.00 per month, to take effect March 5, 1923; George W. Rode, inspector of lumber, at \$137.50 per month, to take effect February 28, 1923; Morris Stoll, draftsman, at \$150.08 per month, to take effect March 3, 1923.

Termination of Appointments under Rule VIII:4—Aaron Cohen, junior assistant, at \$125.08 per month, to take effect February 28, 1923; Henry Goldfinger, junior assistant, at \$125.08 per month, to take effect February 28, 1923; Philip Kass, junior assistant, at \$125.08 per month, to take effect February 28, 1923; John J. Macaluso, junior assistant, at \$125.08 per month, to take effect February 28, 1923; David Margolis, junior assistant, at \$125.08 per month, to take effect February 28, 1923; Percy S. Palmer, junior assistant, at \$125.08 per month, to take effect February 28, 1923; Bernard L. Weiner, junior assistant, at \$125.08 per month, to take effect February 28, 1923; Peter Zodiac, junior assistant, at \$125.08 per month, to take effect February 28, 1923.

273

Voucher Schedule No. 9

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos. 205, 207-224, open market orders, \$1,243.45; Vouchers Nos. 104-114, miscellaneous bills, \$770.49;

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Railroads for the Periods Indicated Below:

Voucher No. 49; Bethlehem Steel Products Company; approximate estimate No. 1 for the supply of Special Work and other track materials, Order No. 20, for use in construction of Route No. 16, from November 11, 1922 to February 15, 1923 (R. T. 7470) \$19,718.99;

Voucher No. 50; Slattery Engineering & Construction Company, Inc.; final estimate for the installation of frogs, switches, track and bumping posts in yard near Jerome Avenue and Mosholu Parkway, Route No. 16, to February 1, 1923 (R. T. 7577) \$2,813.19;

Voucher No. 51; Stander & Solow, Inc.; final estimate for the completion of station finish for the sub-passageway at the 23rd St. station, Routes Nos. 4 & 36, Section 1, to November 14, 1922 (R. T. 7561) \$1,065.07;

Voucher No. 52; Jacob Schlesinger, Inc.; approximate estimate No. 7 for the construction of a second addition to shops at the Lenox Avenue and 148th Street Yard, under Contract No. 3, from January 16, 1923 to February 15, 1923 (R. T. 7368) \$4,596.78;

Voucher No. 53; Lindley M. Garrison, Receiver, New York Consolidated Railroad Company, and the New York Consolidated Railroad Company; approximate estimate No. 1 for the installing of tracks including special work at and near the Queensboro Plaza station from December 14, 1922 to December 31, 1922 (R. T. 7585) \$1,302.28;

Voucher No. 54; Vulcan Rail and Construction Company; final estimate for the construction of steel ladders and gratings in two shafts of the Bronx River Duct Tunnel, Routes Nos. 19 & 22, Section No. 2, to February 1, 1923 (R. T. 7535) \$514.63.

JAMES B. WALKER,
Secretary.

PROCEEDINGS OF
TRANSIT COMMISSION
49 Lafayette Street
Borough of Manhattan, City of New York

Proceedings for Thursday, March 1, 1923

274

Hearing

The following hearing was held:

10:45 A. M.; Case No. 2672; The Long Island Railroad Company; application of City of New York for determination as to manner in which 216th Street (4th Street) should be carried across tracks of Flushing and North Side Division. George L. Lucas, Acting Chief Executive Officer, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, March 2, 1923

275

Hearing

The following hearing was held:

10:35 A. M.; Case No. 2673; Ocean Electric Railway Company; application for authority to increase capital stock from \$50,000 to \$315,000. George L. Lucas, Acting Chief Executive Officer, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, March 6, 1923

Present: George McAneny, Chairman, LeRoy T. Harkness, Commissioner, James B. Walker, Secretary.

The following matters were presented and action taken as noted:

276—R. T. 6892

Route No. 8, Section No. 2—Certificate by Chief Engineer of Completion of Contract Except Maintenance of Street Surface Restored—Report by Chief Engineer Recommending that Contractor Be Required to Deposit Continuing Bond in Sum of \$10,000—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

March 2, 1923.

To: TRANSIT COMMISSION.

Certificate of Completion: Route 8, Section 2.

In connection with the contract dated July 12, 1920 between the City of New York and Patrick McGovern, Inc., Assignee, for the construction of Section 2 of Route 8, I hereby certify that all work (except the maintenance of street surface restored) was completed on October 31, 1922. The total cost of the work was \$3,173,683.39 paid as follows:

By the City of New York	\$3,155,442.29
By the President of the Borough of Manhattan for the widening of the roadway on 14th Street	18,241.10
Total	\$3,173,683.39

In accordance with the provisions of the contract, all work (except the maintenance of street surface restored) should have been completed by July 12, 1922. The time for completion, however, was extended to October 31, 1922 by resolution of the Transit Commission adopted on January 9, 1923. As all work (except the maintenance of street surface restored) was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended that the work (except the maintenance of street surface restored) be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBERT RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

A report was presented from the Chief Engineer dated March 2, 1923, recommending that the contractor be required to deposit with the Comptroller of The City of New York a continuing bond or other security in the sum of \$10,000 for the payment of unsatisfied claims.

The following resolution was adopted:

Whereas, The Contract dated July 12, 1920, between The City of New York, acting by the Transit Construction Commissioner and Patrick McGovern, Inc., (as Assignee), for the completion of construction of that part of the Fourteenth Street-Eastern Rapid Transit Railroad, known as Section No. 2 of Route No. 8, required the completion of all work thereunder (except maintenance of street surface restored) on or before July 12, 1922, which time was extended to October 31, 1922 by resolution of the Transit Commission adopted on January 9, 1923; and

Whereas, The Chief Engineer of this Commission has by communication dated March 2, 1923, reported that all the work under said Contract (except maintenance of street surface restored) was in all respects completed on or before October 31, 1922; that the total amount due therefor was \$3,173,683.39, made up as follows:

[March 6, 1923

By the City of New York	\$3,155,442.29
By the President of the Borough of Manhattan for the widening of the roadway on 14th Street.....	18,241.10
Total	\$3,173,683.39

and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York; and

Whereas, The Chief Engineer has by further communication dated March 2, 1923, recommended that the Contractor be required to continue its bond or other security in the sum of \$10,000. against any claims "then unsatisfied or not presented for a time not exceeding the time when such claims would be legally barred."

Resolved, That the said reports and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted, and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York, provided, however, that as a condition precedent to the making of said final payment, said contractor shall deposit with the Comptroller of The City of New York, in a form to be approved by Counsel to the Commission, a bond or other security in the sum of \$10,000, as security against any claims "then unsatisfied or not presented for a time not exceeding the time when such claims would be legally barred," pursuant to the provisions of Article XLVIII of said Contract.

277—R. T. 5006

Agreement "BW"—Report by Chief Engineer Recommending Extension of Time to February 6, 1923, within Which to Complete Land and River Borings for Flushing Line—Approval Resolution

A report was presented by the Chief Engineer dated March 6, 1923, recommending an extension of time be granted to P. J. Healey, to and including February 6, 1923, within which to complete land and river borings along Roosevelt Avenue, 40th Avenue and in the Flushing River. The following resolution was adopted:

Whereas, The contract dated October 27, 1922 (Agreement "BW") between The City of New York, acting by the Transit Commission, and P. J. Healey, for the making of land and river borings along Roosevelt Avenue, 40th Avenue and in Flushing River, Borough of Queens, City of New York, required the completion of all work thereunder on or before the expiration of two (2) months after the date of delivery, which contract was delivered on October 31, 1922, the original date for completion therefor being December 31, 1922; and

Whereas, The Chief Engineer of this Commission by communication dated March 6, 1923, reported that the progress of the work under said contract was considerably delayed on account of the heavy snow and rain during the month of December, 1922 and also on account of the contractor's raft and equipment for making river borings being struck and rammed four times by passing tugboats, and recommends that the time within which to complete the work under said contract be extended to and including February 6, 1923, the actual time of completion therefor being December 31, 1922;

Resolved, That the time of P. J. Healey within which to complete the work under the contract aforesaid be and the same hereby is extended to and including February 6, 1923.

278—R. T. 5006

Agreement "BW"—Certificate by Chief Engineer of Completion of Contract for Land and River Borings for Flushing Line—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

March 6, 1923.

To: TRANSIT COMMISSION

*Certificate of Completion: Land & River Borings, Borough of Queens—
Agreement "BW"*

In connection with the contract dated October 27, 1922 between the City of New York and P. J. Healey for the making of land and river borings along Roosevelt Avenue

and 40th Avenue and in Flushing River, Borough of Queens, I hereby certify that all work was completed on February 6, 1923. The total cost of the work was \$2,854.48.

In accordance with the provisions of the contract, all work should have been completed by December 31, 1922. The time for completion, however, was extended to February 6, 1923 by resolution of the Transit Commission adopted on March 6, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBERT RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The contract dated October 27, 1922 between The City of New York, acting by the Transit Commission, and P. J. Healey (Agreement "BW"), for the making of land and river borings along Roosevelt Avenue, 40th Avenue and in the Flushing River, Borough of Queens, City of New York, required the completion of all work thereunder on or before the expiration of December 31, 1922, which time was extended to and including February 6, 1923 by resolution of the Transit Commission adopted on March 6, 1923; and

Whereas, The Chief Engineer of this Commission has, by communication dated March 6, 1923, reported that all the work under said contract was in all respects completed on or before February 6, 1923; that the total amount due therefor was \$2,854.48 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York,

Resolved, That the said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

279—R. T. 7592

**Route No. 11-B, Section No. 3—Communication from T. A. Gillespie Company
Withdrawing Bid for Construction of Fourth Avenue Extension and Requesting
Return of Certified Check Deposited with Bid—Approval Resolution—
Communication to the Board of Estimate and Apportionment Requesting
that No Further Action Be Taken on Proposed Contract**

A communication was presented from T. A. Gillespie Company dated March 5, 1923, withdrawing the bid submitted on December 22, 1922, for the construction of Section No. 3 of Route No. 11-B, Fourth Avenue Extension, and requesting the return of the certified check in the sum of \$25,000 deposited with its bid.

The following resolution was adopted:

Whereas, By resolution adopted by this Commission on December 27, 1922 the proposed contract for the construction of a part of a rapid transit railroad, Route No. 11-B, Section No. 3 (Fourth Avenue-Brooklyn) was, subject to its being consented to in form and substance as required by law, awarded to the low bidder, T. A. Gillespie Company, which proposed contract was, together with a request for the money necessary to meet the obligations of the City thereunder, transmitted to the Board of Estimate and Apportionment, which Board has not acted thereon, the bids for said work having been received on December 22, 1922; and

Whereas, By communication dated March 5, 1923 the said low bidder, T. A. Gillespie Company, has, pursuant to the privilege granted to it by the provisions of the general municipal law, withdrawn its said bid and has requested the return to it of the certified check deposited with its said bid; and

Whereas, Counsel has advised that there is no legal alternative but to grant the request of said low bidder,

Resolved, That all the bids received on December 22, 1922, for the said proposed Contract be and the same hereby are in all respects rejected; that the Secretary of

this Commission be and hereby is authorized and directed to return to said bidders where such action has not been heretofore taken, the certified check deposited with said bids for said proposed contract and that the Board of Estimate and Apportionment of The City of New York be requested to take no further action upon the request of this Commission to consent to said proposed contract and to appropriate the money necessary therefor upon the basis of the award of said proposed contract to the low bidder of the bids received on December 22, 1922.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

March 6, 1923.

To the BOARD OF ESTIMATE AND APPORTIONMENT,
Municipal Building,
New York City.

Gentlemen:

Under date of December 27, 1922, the Transit Commission submitted to your Honorable Board for its consent to, and the making of an appropriation of the amount estimated to be necessary to meet the obligations of the City thereunder, a proposed contract to be entered into between The City of New York, acting by the Transit Commission and T. A. Gillespie Company for the construction of a part of a rapid transit railroad Route No. 11-B, Section No. 3, the so-called Fort Hamilton Route, in Brooklyn. This proposed contract and requisition were referred to the Committee of the Whole of your Honorable Board, which has since taken no action.

Under date of March 5, 1923, said low bidder for said proposed contract the T. A. Gillespie Company has advised this Commission as follows:

"On February 14th we wrote Mr. Joseph Haag, Secretary of the Board of Estimate and Apportionment in regard to our bid of December 22nd, 1922 for the Fourth Avenue Subway Extension, drawing his attention to the fact that material prices, upon which that bid was based, were being withdrawn and that unless some immediate action could be taken by the Board of Estimate we would be unable to hold open our tender. Following that letter the matter was put upon the supplementary calendar for the meeting of February 16th, at which time it was referred to the Committee of the Whole, and although since then we have been endeavoring to have it disposed of we are now informed that it cannot come up before the meeting of March 14th.

"We regret exceedingly that due to the length of time elapsed since December 22nd, we cannot longer hold open quotations made us for materials at the time our tender was made, and under the circumstances it becomes necessary for us to withdraw that tender. Will you therefore please take the necessary action to cancel this bid and return us check for \$25,000 submitted therewith."

Under the provisions of law pertaining thereto, there is no alternative but to comply with the request of said bidder and the Commission by action taken at its meeting today has rejected all bids received for said work and returned to the respective bidders the deposit made with their bids. Such action, of course, renders unnecessary any further consideration of this subject by your Honorable Board or its Committee.

An examination of the list of bids received on December 22, 1922 for this proposed contract will clearly indicate that the amount of the low bid was an extremely advantageous one for The City of New York. It is regrettable that through inaction upon the application of this Commission with respect thereto the benefits therefrom must be lost to the City; and that under prevailing conditions, and a rising market, a readvertisement of the proposed contract will result undoubtedly in the necessity for the expenditure of a greater amount of public funds for the completion of this project than would have been expended had the requisitions of the Transit Commission of December 27, 1922, had been acted upon with ordinary promptness.

TRANSIT COMMISSION.

By GEORGE McANENY,
Chairman.

280—R. T. 7503

Order No. 6—Report by Chief Engineer Recommending Extension of Time to February 23, 1923 within Which to Complete Delivery of Treated Ties—Approval Resolution

A report was presented from the Chief Engineer dated March 2, 1923, as described below:

The following resolution was adopted:

Whereas, The contract dated May 11, 1922 between The City of New York acting by the Transit Commission and Eppinger & Russell Co. for the supply of treated ties, Order No. 6, for use in the installation of tracks in the 14th Street Eastern Rapid Transit Railroad, provides in Article XLIX thereof that "The City shall have up to November 1, 1922, to accept all the Materials to be furnished and delivered by the Contractor and purchased by the City, under this Contract"; and

Whereas, The Chief Engineer of this Commission, by communication dated March 2, 1923 reports and recommends in part as follows:

"The contract dated May 11, 1922 with Eppinger & Russell for the supply of treated ties, Order No. 6, provides in Article XLIX, as follows:

'The City shall have up to November 1, 1922 to accept all of the Materials to be furnished and delivered by the Contractor and purchased by the City under this contract.'

Although the Contractor wrote us in August 25, 1922 that all of the Materials were ready for delivery and requested shipping instructions, we replied that it would be necessary for him to hold the Materials until such time as we had an installation contractor in the field ready to take them. It was not until in January, 1923, that we were able to order the first part of the ties delivered and final delivery was made by the Contractor on February 23, 1923, shortly after our final request.

The performance of the Contractor was very satisfactory and the fact that deliveries were not made until after November 1, 1922 was due to no fault of his. I have however, been advised by Counsel that in making deliveries after November 1, 1922 the Contractor has in effect consented to an extension of time for the acceptance of deliveries to include the date of the last delivery and, I, therefore,

Recommend that the date stipulated in Article LXIX of the contract up to which the City shall have for accepting all the materials purchased under the contract be extended from November 1, 1922 to February 23, 1923."

Resolved, That the time within which to complete deliveries of the Materials under and in pursuance of said contract be and the same hereby is extended to and including February 23, 1923.

281—R. T. 6924

Contract No. 2—Proposed Permit by Interborough Rapid Transit Company to A. A. Webster & Co., Inc., to Erect and Maintain Clock in Front of Premises at No. 487 Fulton Street, Borough of Brooklyn—Report by Chief Engineer Recommending Approval—Approval Resolution

A proposed permit was presented dated February 16, 1923, issued by the Interborough Rapid Transit Company to A. A. Webster & Co., Inc. for permission to erect and maintain a clock over the subway structure in front of the premises at No. 487 Fulton Street, Borough of Brooklyn.

A report was presented from the Chief Engineer dated February 23, 1923, recommending that the permit be approved from an engineering standpoint.

The following resolution was adopted:

Whereas, There has been submitted to this Commission for its approval, a proposed permit dated February 16, 1923, issued by Interborough Rapid Transit Company, to

A. A. Webster & Co., Inc., of No. 440 Fulton Street, in the Borough of Brooklyn, permitting the erection and maintenance of a column clock on the vault lights over the structure of the Brooklyn-Manhattan Rapid Transit Railroad in front of No. 487 Fulton Street, in the Borough of Brooklyn, which said proposed permit has been accepted by said A. A. Webster & Co., Inc.; and

Whereas, The Chief Engineer of this Commission has by communication dated February 23, 1923, reported that the said proposed permit has been examined and finds no objection thereto from an engineering standpoint; and

Whereas, Counsel has examined the proposed permit and recommends the approval thereof;

Resolved, That the said proposed permit be and it is hereby approved upon the express condition, and not otherwise, that all necessary or other permits, municipal or otherwise, as may be necessary to erect and maintain said column clock, shall be procured by said A. A. Webster & Co., Inc., at its own cost and expense.

Further Resolved, That the Chairman and Secretary of this Commission be and hereby are authorized to execute the form of approval of this Commission made part of said proposed permit.

282—R. T. 7007

Contract No. 1—Eight Applications by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Orders for Additional Apparatus for Multiple Door Control on 982 Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolutions

Eight applications were presented from the Interborough Rapid Transit Company for the approval of proposed purchasing agent's orders for furnishing additional apparatus for multiple door control on 982 subway cars at a total cost of \$260,428.19.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 20, 1923, recommending that the applications be approved.

The following resolutions were adopted:

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of arbitration award; and

Whereas, by resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated June 16, 1922, directed to the National Pneumatic Company for the following:

<i>Item No.</i>		<i>Price per set</i>	<i>Total</i>
1	982 Sets Boxes, door lock interlock, complete, as per item 11 on Spec. 95-C and B/P 9364-A (2 per set)	\$21.00	\$20,622.00
2	982 Sets Cylinders, door lock, with magnet valve, complete, as per item 13 on Spec. 95-C and B/P 9367-A (2 per set).....	45.00	44,190.00
3	982 Sets Relays, door lock, complete, as per item 15 on Spec. 95-C and B/P 9370-A (2 per set).....	54.00	53,028.00
Totaling			\$117,840.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 445"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated February 20, 1923 reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved;

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated June 16, 1922, directed to Westinghouse Electric and Manufacturing Company, for the following:

	<i>Price each</i>	<i>Total</i>
1964 each Ground Blocks to be fitted in car door train line coupler sockets	\$1.40	\$2,749.60
982 each Ground blocks to be fitted in car door train line jumpers	2.70	2,651.40
Totaling		\$5,401.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 446"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated February 20, 1923 reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved.

Resolved, That said report and recommendation be and the same hereby is approved; that the said proposed purchasing agent's order so submitted be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of, said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for approval of this Commission proposed purchasing agent's order dated July 26, 1922 directed to the Columbia Machine Works & Malleable Iron Co. for the following:

1,964 sockets, signal coupler, complete, as per B/P 9769-A and with approximately 20 feet of 19-No. 25 insulated cable, as per Spec. 34-R, except that O. D. must not exceed .250"	Price: \$7.40 each.....	\$14,533.60
982 Jumpers, signal, complete with cable as per blue print 9769-A, and Spec. 34-R	Price: \$9.15 each.....	8,985.30
Total		<u>\$23,518.90</u>

which proposed purchasing agent's order has been caused to be designated as "Approval No. 447"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated February 20, 1923, reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved.

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of

the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated September 20, 1922, directed to Columbia Machine Works & Malleable Iron Company, for the following:

1,964 Boxes, door operator's indication lamp complete, details per B/Ps 9824-B, 9836-A, 9746-C and to be assembled as per B/P 9330-D.
 Price: \$6.25 each. Total \$12,275.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 448"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer, have by communication dated February 23, 1923, reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved.

Resolved, That said report and recommendation be and the same hereby are approved; that said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved

the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 5, 1923, directed to The National Pneumatic Company, for the following:

For Car Door Master Controllers

4000 Bases, L.H. contact, complete, NP C-2930	
Price: \$2.42 each	\$9,680.00
4000 Bases, R.H. contact, complete, NP C-2920	
Price: \$2.38 each	9,520.00
4000 Barriers, contact, NP C-3742	
Price: \$0.15 each	600.00
12000 Insulators, barrier, NP C-3746	
Price: \$0.02 each	240.00

For Control Cutout Switches

2000 Drums, 2" special contact, NP C-3698	
Price: \$0.80 each	1,600.00
2000 Bases, NP C-3663	
Price: \$1.15 each	2,300.00
4000 Clips, fuse, NP C-1659	
Price: \$0.06 each	240.00
8000 Fingers, contract. NP C-3678	
Price: \$0.05 each	400.00
2000 Barrier, NP C-3682	
Price: \$0.12 each	240.00
2000 Plates, fuse clip. NP C-4104	
Price: \$0.06 each	120.00

Parts for Car Door Unit Controllers

4000 Fingers, steel contract, NP C-1761	
Price: \$0.05 each	200.00
1420 Blocks, R.H. finger (motor) Maple, C-4092	
Price: \$0.60 each	852.00
1420 Blocks, L.H. finger (motor) Maple, C-4093	
Price: \$0.60 each	852.00
580 Blocks, finger (trailer) Maple, C-4096	
Price: \$0.60 each	348.00
2000 Blocks, R. H. Segment, complete, Maple, C-2980	
Price: \$0.98	1,960.00
2000 Blocks, L.H. Segment, complete, Maple, C-2970	
Price: \$0.98	1,960.00

Total \$31,112.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 449"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer, have by communication dated February 20, 1923, reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-

Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 9, 1923, directed to Okonite Company, for the following:

1,000,000 Ft. Cable, 19-#25 single conductor insulated (O. D. must not exceed .250") as per Spec. 34-R, except that one braid is required.

Price: \$18.50 per M. Ft. \$18,500.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 450"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated February 20, 1923 reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved.

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the

installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 10, 1923, directed to Westinghouse Electric and Manufacturing Company for the following:

2,250 each Strainers, $\frac{3}{8}$ " O. B. type air, WTB piece #3272.
Price: \$3.00 each—less 50-5-2 $\frac{1}{2}$ %..... \$3,126.09

which proposed purchasing agent's order has been caused to be designated as "Approval No. 451"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have by communication dated February 20, 1923 reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 11, 1923, directed to Western Electric Company, for the following:

<i>Item No.</i>		
1	760,000 Ft. Conduit, $\frac{1}{4}$ " loricated. Price: \$48.00 per M. Ft. including rodding charge.....	\$36,480.00
2	90,000 Ft. Conduit, $\frac{1}{2}$ " loricated. Price: \$46.90 per M. Ft.....	4,221.00
	Total	\$40,701.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 452"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer, have by communication dated February 20, 1923, reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved,

Resolved, That said report and recommendation be and the same hereby are

approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

283—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Installation of Water Main for Fire Protection in Clark Street Tunnels—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated February 3, 1923, requesting approval of a proposed purchasing agent's order directed to M. O'Neil Supply Company for the manufacture and delivery of 16,000 feet of 2 inch water main for fire protection in the Clark Street Tunnels of the Seventh Avenue-Lexington Avenue Line at a cost of \$8,992.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 21, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By resolution adopted November 22, 1922 this Commission, pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, approved the proposal of said Interborough Rapid Transit Company for the installation of a two-inch water main for fire protection purposes in the subaqueous portion of the Clark Street Tunnels of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad described in said Contract No. 3 as Additional Equipment of the Railroad, and assigned to said unit Work Order No. IBA-8; and

Whereas, In pursuance of said approval Interborough Rapid Transit Company, by communication dated February 3, 1923, has submitted for the approval of this Commission proposed purchasing agent's order dated February 3, 1923, directed to M. O'Neil Supply Company for the manufacture and delivery of the following:

16,000 Ft. 2" ex. hy. genuine W. I. pipe, lap welded threaded with recessed couplings on one end and protectors on other end	
To be coated with lead by "Intraloy" process.	
Price: \$.505 per Ft. less 22½% and 5%.....	\$.3713 per Ft.
Lead coating \$76.00 per ton or approx.....	\$.1907 per Ft.
	<hr/>
Net cost per foot of pipe, lead coated.....	\$.5620
Delivery to be made at once.	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 443"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated February 21, 1923, reported that the following bids were received for said material:

- M. O'Neil Supply Co.—*
Net total Cost of pipe, lead coated—\$8,992—(F. O. B. Homestead, N. J.).
- John Simmons Co.—*
Net total Cost of pipe, lead coated—\$9,032—(F. O. B. Homestead, N. J.).
- Cornell and Underhill—*
Net total Cost of pipe, lead coated—\$12,800—(Delivered).
- R. J. Donovan—No Bid.
- Crane Co.—No Bid.

; that the quantity of pipe ordered is proper for such work authorized; that the price is reasonable, and recommend that the said proposed purchasing agent's order so submitted be approved,

Resolved, That the said report and recommendation be and the same hereby is approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed Purchasing Agent's order.

284—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Form of Contract, Specifications, etc., for Construction of Foundations and Superstructure for Substation No. 27—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated February 5, 1923, requesting approval of a proposed contract, specifications, drawings, etc., for the construction of foundations and superstructure (exclusive of structural metal work) for substation No. 27, to be located on Roosevelt Avenue between 32nd and 33rd Street in Elmhurst, Borough of Queens.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 24, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, The Interborough Rapid Transit Company has, pursuant to the provisions of Article XXII of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and the said Interborough Rapid Transit Company, known as Contract No. 3, submitted for the approval of the Commission by communication dated February 5, 1923, signed by Frank Hedley, its President and General Manager, a proposed contract, contractor's bond, contractor's proposal and specifications, together with blue prints of the drawings referred to in the specifications for the construction of the foundations and superstructure (exclusive of structural metal work) of Substation No. 27 of said company to be located on Roosevelt Avenue between 32d & 33d Streets, in Elmhurst, Borough of Queens, City of New York; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated February 24, 1923, have advised that the said papers have been examined and found satisfactory from an engineering standpoint, and recommended that the same be approved subject to the conditions hereinafter provided; and

Whereas, Counsel has examined said proposed contract, contractor's bond, contractor's proposal and specifications and finds no objection thereto;

Resolved, That said proposed form of contract, contractor's bond, contractor's proposal and specifications for the construction of foundations and superstructure, exclusive of structural steel work, for Substation No. 27 as aforesaid, be and the same hereby are approved, provided, however:

1. That the contractor shall obtain the approval and consent of the proper municipal authorities to the construction of approximately 300 feet of private sewer provided for in said specifications;

2. That the company advertise for bids for the construction provided for in said proposed contract and specifications, and that same be submitted to this Commission for its approval before the contract is awarded.

285—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase of Structural Steel for Substation No. 27—Reports by Engineer of Equipment and Operation and Chief Engineer and Auditor of Rapid Transit Costs Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated January 25, 1923, requesting the approval of the purchase of structural steel

from Levering & Garrigues Co., to be used in the construction of substation No. 27, Elmhurst, Borough of Queens, at an approximate cost of \$19,260. A report was presented from the Chief Engineer dated February 10, 1923, stating that the price is reasonable and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of Article XXII of the contract, dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has, by communication dated January 25, 1923, from Frank Hedley, its President and General Manager, requested the approval of this Commission to the purchase of structural steel from Levering & Garrigues Co., to be used in the construction of Substation No. 27, to be constructed as a part of Equipment of the Queensboro Line of the Railroad as described in said Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated February 10, 1923, reported that the following bids were received for such work

	Per lb.	App. total cost
Levering & Garrigues Co.	5.35c	\$19,260.00
McClintic Marshall Company	5.58	20,088.00
Shoemaker, Satterthwaite Bridge Co....	5.69	20,804.00
American Bridge Company	6.87	24,732.00
Terry & Tench Company (Decline)		

that said substation was authorized by the Public Service Commission for the First District by resolution adopted November 9, 1916; that the erection of said substation is necessary at the present time for the furnishing of power to said Queensboro Line; that the plans submitted showing such steel are satisfactory; that the price of 5.35c per pound is reasonable and the best obtainable under present conditions; that said firm is competent to supply such material and recommends that the application of the Interborough Rapid Transit Company as aforesaid be approved; and

Whereas, The Auditor of Rapid Transit Costs has by endorsement, dated February 21, 1923, recommended that said work be classified as Equipment of the Railroad, as defined in said Contract No. 3;

Resolved, That said reports and recommendations be and the same hereby are approved; that said application of the Interborough Rapid Transit Company be and the same hereby is approved; the cost of such structural steel to be classified as Equipment of the Railroad under and in accordance with the provisions of said Contract No. 3.

286—R. T. 7255

Routes Nos. 19 and 22, Section No. 2—Report by Real Estate Clerk Recommending Preparation of Condemnation Map for Acquisition of Property for Westchester Yard Site—Approved

The Commission approved a recommendation from the Real Estate Clerk dated March 5, 1923, for the immediate preparation of a condemnation map to cover the acquisition of fifteen remaining parcels of real estate necessary for the site for the car storage yard for the Westchester Avenue Line.

287—R. T. 6080

Route No. 5, Section No. 15—Application by Sobol Bros. for Permission to Occupy Premises at Southwesterly Corner of East 138th Street and Mott Avenue, Borough of The Bronx—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Sobol Bros. for permission to occupy the premises at the southwesterly corner of East 138th Street and Mott Avenue, Borough of The Bronx, from March 1, 1923 to the time of delivery of a deed for the premises to Consolidated Parking Co., Inc. the purchaser of the property at public auction.

A report was presented from the Real Estate Clerk dated March 5, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Consolidated Parking Co., Inc., is the Vendee of the property at the southwesterly corner of East 138th Street and Mott Avenue, in the Borough of The Bronx, to receive the deed of said property on March 16, 1923, pursuant to the terms of sale signed at the public auction held at No. 49 Lafayette Street, Borough of Manhattan, on January 16, 1923; and

Whereas, David Whitehorn surrendered possession of the premises as temporary tenant on or before March 1, 1923; and

Whereas, Sobol Bros., principal owners of Consolidated Parking Co., Inc., by application dated February 28, 1923, have requested permission to occupy the premises pending delivery of the deed as aforesaid, agreeing to pay rental at the same rate paid by David Whitehorn, beginning March 1, 1923, and that all right, title and interest of Sobol Bros. as tenant shall cease coincident with the delivery of the deed as aforesaid to Consolidated Parking Co., Inc., and Consolidated Parking Co., Inc., has consented to such occupancy of the premises, agreeing that physical possession thereof by Sobol Bros. at the time of the delivery of the deed shall not operate to prevent accepting title thereof by Consolidated Parking Co., Inc.; and

Whereas, The Real Estate Clerk, under date of March 5, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application of February 28, 1923, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on the said application.

288—R. T. 4039, 7345, 7479

Rapid Transit Railroads—Communication from Counsel Submitting Forms of Deeds to Purchasers of Property Sold at Public Auction on January 16, 1923—Approval Resolution

A communication was presented from Counsel dated March 5, 1923, submitting forms of deeds to purchasers of six plots of property sold at public auction on January 16, 1923, and requesting authorization to make delivery of the deeds.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Rapid Transit Act as amended and with the consent and approval of the Commissioners of the Sinking Fund of The City of New York, the Transit Commission heretofore and on January 16, 1923, duly sold at public auction, subject to certain easements to be retained for the maintenance and operation of the municipal rapid transit railroads for which they were originally acquired, certain parcels of real estate in the Boroughs of Manhattan, Brooklyn and The Bronx, for the respective highest bid purchase prices, to the highest bidders set forth in the following list:

<i>Plot</i>	<i>Bid Purchase Price</i>	<i>Name of Highest Bidder</i>
West side of Centre Street bet. Canal & Howard Sts., Man.	\$148,750.00	Herbert Fisher
West side of Centre Street bet. Canal & Walker Sts., Man.	86,100.00	Louis Ullman
South side of park at foot of Clark St., Columbia Heights to Furman St., Bklyn.	12,500.00	Frank W. Struvy
North side of E. 138th St. bet. Jackson Ave. & Southern Boulevard, Bronx.	27,000.00	David Vogel
Southwest corner of E. 138th St. & Mott Ave., Bronx.	50,300.00	J. W. Page
Bet. Walton & Gerard Aves., 105 ft. north of E. 146th St., Bronx.	22,750.00	John A. McCarthy

; and

Whereas, By the terms of said auction sale the closing of title to said parcels is set for March 16, 1923; and

Whereas, Counsel has submitted a form of deed to convey each of the said parcels to the said highest bidder or his assignee, reserving unto The City of New York the necessary rights, easements and rights of way for the maintenance of the municipal rapid transit railroads for which the property was acquired; also a form of bond and mortgage to be delivered by the respective highest bidder or his assignee for each parcel at the time of closing, such bond and mortgage in each case to be accepted by The City of New York in part payment of the bid purchase price to a percentage thereof not exceeding seventy-five per centum (75%) for a term not exceeding five (5) years beginning with the date of the closing and at a rate of interest payable to the City of five per centum (5%) per annum, recommending approval thereof;

Resolved, That the said forms of deeds, bonds and mortgages be, and the same are, hereby approved, and that the members of the Commission and the Secretary thereof be, and they hereby are, authorized to execute and acknowledge said deeds, and that Counsel to the Commission be, and he hereby is, authorized and directed to attend upon the closing of each title, to deliver the deed on behalf of the Commission to the highest bid purchaser or his duly authenticated assignee, to make such arrangements as may be necessary to effect the closing in each case, to receive the balance of the purchase price due and the several bonds and mortgages, and to give receipt therefor; and it is further

Resolved, That Counsel be, and he hereby is, authorized to adjourn the closing of title for a period not to exceed one (1) month after March 16, 1923, and to make such minor changes in form of the several instruments as shall not be inconsistent with the terms under which the several parcels of real estate were sold and as shall in his judgment be necessary and expedient in the City's interest to effectuate the delivery of the deeds and the receipt of the bonds and mortgages and sums on the purchase prices at the closing.

289—R. T. 6080

Route No. 5, Section No. 15—Report by Real Estate Clerk Recommending Approval of Application of Thomas P. McLaughlin to Occupy Vacant Lot at Southwest Corner of East 157th Street and Gerard Avenue, Borough of The Bronx—Report by Real Estate Clerk Recommending Approval—Motion Directing that New Bids Be Received

An application was presented from Thomas P. McLaughlin for permission to occupy a vacant lot at the southwest corner of East 157th Street and Gerard Avenue, Borough of The Bronx, at a rental of \$131.00 per month.

A report was presented by the Real Estate Clerk dated February 15, 1923, recommending that the application be approved.

In view of the possibility of obtaining a better offer by soliciting bids, upon motion, duly seconded and adopted, it was directed that bids be invited for the concession.

290—R. T. 7583

Route No. 39, Section No. 2—Report by Real Estate Clerk Recommending Approval of Notice to the Coney Island & Brooklyn Terminal Company and Brooklyn Rapid Transit Company to Remove All Personal Property from Yard Site North of Coney Island Creek and West of Shell Road in Borough of Brooklyn—Approval Resolution

A report was presented from the Real Estate Clerk dated March 5, 1923, recommending that notices be directed to The Coney Island & Brooklyn Terminal Company and the Brooklyn Rapid Transit Company to remove all personal property from the yard site north of Coney Island Creek and west of Shell Road, Borough of Brooklyn, by April 16, 1923.

The following resolution was adopted:

Whereas, J. H. Bennington, Secretary of The Coney Island & Brooklyn Terminal Company, by communication dated February 26, 1923, has advised that certain personal property consisting mainly of tracks and overhead work now located on the property of The City of New York acquired in condemnation on February 1, 1923, is owned by the Brooklyn Rapid Transit Company, suggesting that such tracks and overhead work might be of use in connection with the construction of the proposed yard; and

Whereas, The Chief Engineer under date of March 5, 1923, has advised the Real Estate Clerk that it will be necessary to relay the entire existing track layout if it is to be used in connection with the distribution of fill, stating that, in his opinion, it would be preferable that the contractor be free to make his own arrangements for the conduct of the work, recommending that the track and overhead work be removed; and

Whereas, The Real Estate Clerk under date of March 5, 1923, has reported on this matter recommending that The Coney Island & Brooklyn Terminal Company and the Brooklyn Rapid Transit Company be notified to remove from this yard site all of their personal property of whatsoever description, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, authorize and direct the Secretary to notify the two (2) Companies, aforesaid, to vacate and to remove from the said yard site all of their personal property of whatsoever description by not later than 12:00 o'clock noon on April 16, 1923.

291—R. T. 7617

Route No. 16, Section No. 1—Communication from Counsel Submitting Proposed Agreement for Construction of Permanent Facilities at 161st Street Station—Approval Resolution—Communication to Board of Estimate and Apportionment

A communication was presented from Counsel dated March 5, 1923, submitting a proposed agreement between the City of New York, Interborough Rapid Transit Company and the American League Baseball Club of New York, Inc., for the construction of permanent additional facilities at the 161st Street Station of the Jerome Avenue Line.

The following resolution was adopted:

Whereas, The American League Baseball Club of New York, Inc., is constructing a stadium for the performance of athletic games and events on the westerly side of River Avenue between East 157th and East 161st Streets in the Borough of The Bronx, City of New York, and extending westerly to Doughty Street, the use of which stadium will, it is expected, attract large assemblages of people, the greater portions of which will utilize the municipal elevated rapid transit railroad extending over and along River Avenue in front of said stadium; and

Whereas, This Commission and the Interborough Rapid Transit Company, as Lessee of said rapid transit railroad, being a portion of Subdivision II of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the railroad, described

in the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3, are of the opinion that additional facilities to the 161st Street Station of said line will be necessary to accommodate the public which will offer themselves for transportation on said line in connection with the attendance of such games and events at said stadium; and

Whereas, Arrangements have been made and are now being carried out by the Owner of said stadium, and the Interborough Rapid Transit Company with respect to the temporary facilities for said purpose; and

Whereas, This Commission, the said Interborough Rapid Transit Company and the American League Baseball Club of New York, Inc., have agreed upon terms and conditions for the effecting of permanent additions to the said 161st Street Station estimated to be necessary and sufficient to afford suitable and convenient accommodation for the public going to and departing from said stadium, and have set forth such understandings in a proposed agreement prepared by Counsel to this Commission, which is now submitted for consideration; and

Whereas, Said proposed agreement provides for a grant of an easement for the construction of such additional facilities on the property of the owner of the stadium; the contribution by the said owner of \$18,750 to the cost of "Construction" within the said easement; the performance of all such work by the Interborough Rapid Transit Company as an Addition to Construction, the City and the Company paying equal shares in excess of the said sum of \$18,750 and the performance of all equipment work by the Interborough Rapid Transit Company, at solely its expense, as Additional Equipment in accordance with the provisions of Articles LXX and LXXI of said Contract No. 3; and

Whereas, The Chief Engineer of this Commission has examined said proposed agreement and recommends its approval.

Resolved, That the said proposed agreement so submitted be and the same hereby is approved; that the performance of the work therein contemplated by the Interborough Rapid Transit Company, as Lessee under and in accordance with the provisions of said Contract No. 3 as an Addition or Additional Equipment as the case may be, in accordance with the terms of said agreement, hereby approved, be and the same hereby is approved; that this Commission assigns to such part of said work as is properly classifiable as an Addition to Construction under said Contract No. 3, Work Order No. IAA-7, and to such portion of said work as is properly classifiable as Additional Equipment under said Contract No. 3, Work Order No. IBA-9; that the requisition now submitted by Counsel upon the Board of Estimate and Apportionment transmitting said proposed agreement for the consent of said Board and the appropriation of the money estimated to be necessary to meet the obligations of the City thereunder, be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment, together with said proposed agreement.

Further Resolved, That the Chairman and Secretary of this Commission be and they hereby are authorized and directed to execute and deliver said proposed agreement if and when consented to by said Board of Estimate and Apportionment and approved as to form by the Corporation Counsel.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

March 6, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The American League Baseball Club of New York, Inc., is constructing on property owned by it on the westerly side of River Avenue between East 157th Street and East 161st Street in the Borough of The Bronx and extending westerly to Doughty Street, a stadium which is to be used as an athletic field for the performance of baseball and other athletic games, and which it is expected will be completed, ready for use at the beginning of the baseball season on or about April 15, 1923. It is anticipated by those interested that large assemblages of people will congregate for the witnessing of the athletic games and events to be held in this stadium and that a considerable portion of such people will utilize the Jerome Avenue Elevated Line of the municipal rapid transit system, extending over and along River Avenue in front of the property upon which the stadium is erected and particularly the 161st Street

Station of that line. The existing facilities of said station, while sufficient to meet the ordinary traffic are wholly inadequate to accommodate the great throngs which will present themselves as passengers of this railroad. Nor will such increased business be seasonal, inasmuch as it is proposed to use the stadium throughout the permissible periods of the year for the performance of all kinds of athletic events continuing practically throughout the year. It is therefore desirable and necessary to the interests of the City, the Lessee of the Rapid Transit Railroad, the owner of the stadium and particularly the traveling public to provide additional permanent means of access, ingress and egress, to and from the station of the rapid transit railroad to care for the extraordinary crowds that will be attracted to this locality whenever a game is played for a more direct means of thoroughfare and connection for the transfer and distribution of passengers or intending passengers on this station, in their desire to arrive at and depart from this stadium.

Aside from every other consideration it would be the duty and obligation of the City and the Lessee and operator of this railroad line and said station thereof to provide sufficient facilities to conveniently handle the extraordinary crowds which will desire transportation by means of this railroad, but it is also appreciated that such increased facilities would also serve immeasurable benefit and convenience to such passengers in their status as patrons of the athletic games, thus in no small degree contributing to the success of the athletic enterprise. With this duality of convenience and benefit before them the matter was approached by representatives of the Commission, the Lessee and operator of the railroad and of the baseball club and the following arrangements for the permanent facilities were agreed upon as being a fair and reasonable basis for the construction of such additional rapid transit requirements at this station:

(1) The conveyance without cost to the City or the Interborough Company of a right and easement to the City over the property of the club for the construction of the necessary mezzanine extensions and additional stairways to the railroad station. Because of the relation of the existing railroad structure to the width of River Avenue at this point it was determined by the Engineers that without acquiring such easement the additional facilities necessary in this connection could be only strung out along the structure within the limits of the street, entailing considerable walking distance to the entrance to the stadium. The proposed easement is to be revocable by the owner only upon three months written notice that it will cease or has ceased to use the property as an athletic field for the performance of baseball games or other athletic amusements, or other use calculated to attract large assemblages of people. The existing mortgage on said property is to be subordinated to the lien to be created by such easement.

(2) The owner of the property and stadium to contribute toward the cost of the additional facilities within the easement so conveyed, a sum not exceeding \$18,750 which is estimated by the Engineers to represent approximately three quarters of the cost of construction within such easement.

(3) All work to be constructed by the Interborough Rapid Transit Company, as Lessee and operator of said Line as an "Addition" as defined in Contract No. 3 and the cost of such work properly classifiable as "Construction" as defined in Contract No. 3, in excess of the sum of \$18,750 to be borne equally by the City and the Lessee as provided in said Contract No. 3.

(4) All work properly classifiable as "Equipment" to be borne solely by the Interborough Rapid Transit Company as Lessee and charged as "Additional Equipment," as provided in said contract.

Such arrangements have been set down to be carried out pursuant to a proposed agreement, transmitted herewith, which has for its basis the standard form of agreement now being utilized in the performance of units of work of "Additions to Construction," where performed by the Lessee.

(5) The approval as to form by the Corporation Counsel before execution and delivery.

The estimated cost of the Construction Work entailed in this proposed agreement, in excess of the contribution by the owner of \$18,750, is \$47,250, the City's share therefore, being as required by Contract No. 3, the sum of \$23,625.

Your Honorable Board is accordingly requested to consent to the said proposed agreement herewith transmitted and requisition is made upon your Honorable Board for the appropriation of the sum of \$23,625 being one-half the estimated cost of the work of Construction in excess of the contribution by the owner of the property, such

requisition being a subrequisition under and not in addition to those heretofore made for the purposes of carrying out Contract No. 3 and the appropriation made in consequence thereof by your Board.

Realizing that the permanent work which is provided for in the proposed agreement hereinbefore referred to and herewith submitted for your Board's consent could not be completed in time for the opening of the stadium at the beginning of the baseball season this Spring, agreements were reached and arrangements made for the prosecution of temporary work of a character sufficient for the purpose and which could be completed in time for such use. In the construction of the stadium there was left over various sizes of new first-class lumber of a kind suitable for the construction of such temporary facilities. The market value of the total quantity of such timber was equal to a sum approximately one-half of the estimated cost of such temporary facilities. It was agreed therefore that the owner of the park would contribute this lumber without cost and the lessee of the railroad would perform the work, charging the same to its maintenance account. No part of the cost of constructing the temporary facilities are to be included in the cost of erecting the permanent one, but the cost of the demolition of the temporary facilities are of course necessarily to be included in the permanent work.

TRANSIT COMMISSION

By GEORGE McANENY,

Chairman.

292—R. T. 7605

Routes Nos. 35 & 67—Communications from Acting President, Borough of Manhattan, and the City Club Protesting Against Location of Stairways to Fifth Avenue Station of Queensboro Subway Extension on Northerly Side of 42d Street—Report by Chief Engineer Recommending Public Hearing Be Held—Resolution Directing Hearing

Communications were presented from Joseph Johnson, Acting President, Borough of Manhattan, dated February 24, 1923, and Raymond V. Ingersoll, Secretary, The City Club of New York, dated February 26, 1923, protesting against the location of entrances and stairways to the Fifth Avenue station of the Queensboro Subway Extension outside the building line on the north side of 42nd Street.

A report was presented from the Chief Engineer dated February 28, 1923, recommending that a public hearing be held on the matter.

The following resolution was adopted:

Whereas, The Acting President of the Borough of Manhattan, by communication dated February 24, 1923, and the City Club of New York by communication dated February 26, 1923, have protested to the Commission against the location of entrances and stairways to the Fifth Avenue Station of the extension to the Queensboro Subway on the north side of Forty-second Street between Fifth and Sixth Avenues, and

Whereas, The Commission has attempted to arrange with owners of property on the northerly side of Forty-second Street for entrances and stairways to said subway station through the buildings and within the building lines, and where said attempts have been unsuccessful, and

Whereas, The Chief Engineer of the Commission has by communication dated February 28, 1923, recommended that a public hearing be held to ascertain the public attitude in regard to the location of said subway entrances and stairways on the northerly sidewalk of Forty-second Street, and

Whereas, The said recommendation of the Chief Engineer has been approved by the Commission,

Resolved, That a hearing be held upon the proposed location of entrances and stairways to the Fifth Avenue Station of the extension of the Queensboro subway on the north side of 42nd Street, in the Hearing Room of the Commission, 49 Lafayette Street, Borough of Manhattan, City, County and State of New York, on the 20th day of March, 1923 at three o'clock in the afternoon, and

Further Resolved, That public notice of said hearing be given by publication of notice thereof in the City Record from March 10, to March 20, 1923, inclusive, and that

notice thereof be given to the City Club of the City of New York and the President of the Borough of Manhattan, by service upon each of a certified copy of this resolution in the manner provided by law.

293—R. T. 6317

Contract No. 2—Application by Leo Morgenstern for Approval of Addition of "Polytechnic Institute" to Name of "Borough Hall" Station—Report by Chief Engineer Recommending Application Be Denied—Denial Resolution

An application was presented from Leo Morgenstern dated February 19, 1923, requesting addition of "Polytechnic Institute" to the name of the "Borough Hall" station.

A report was presented from the Chief Engineer dated March 6, 1923, recommending that the application be denied.

The following resolution was adopted:

Whereas, Leo Morgenstern, on behalf of the students of the Polytechnic Institute of the Borough of Brooklyn, has made application to the Commission by communication dated February 19, 1923, to have the name of the "Borough Hall" stations on the lines of the Interborough Rapid Transit Company changed by adding thereto "Polytechnic Institute," and

Whereas, The Chief Engineer of the Commission by report dated March 6, 1923, has recommended that said application be denied for the reason that a very small percentage of the traffic developed at said Borough Hall Stations is due to the presence of the Polytechnic Institute, and

Whereas, The said report of the Chief Engineer has been duly approved

Resolved, That the said application to have "Polytechnic Institute" added to the name of the "Borough Hall" stations of the lines of the Interborough Rapid Transit Company be and the same hereby is denied.

294

Board of Estimate and Apportionment—Communication Regarding Service in the Borough of Queens—Referred to Chairman

The Secretary presented a communication from the Board of Estimate & Apportionment, dated March 2, 1923, transmitting a copy of a communication from the Homestead Civic Association of Woodhaven, Queens County; and a copy of a communication from the Executive Secretary of Community Councils, dated February 17, 1923, complaining of street car service in the Borough of Queens.

The Commission ordered said communication referred to the Chairman.

295—Case 2672

The Long Island Railroad Company—Application of Board of Estimate and Apportionment for a Determination as to the Method by Which 216th Street (Fourth Street) Shall Be Carried Across the Tracks of the Flushing & North Side Division, in the Borough of Queens—Report and Opinion Approved—Final Order and Determination Adopted

The Secretary presented a report and opinion, dated March 5, 1923, by George L. Lucas, Acting Chief Executive Officer, designated to conduct the hearing herein, recommending that 216th Street (Fourth Street) in the Borough of Queens, be carried across the tracks of the Flushing & North Side Division of The Long Island Railroad Company, upon a pedestrian bridge with a clearance of twenty-one (21) feet above the tracks substantially as indicated on Exhibit No. 11, introduced in evidence at the hearing, being entitled, "The LIRRCo. North Side Division—V—2B."

The Commission approved and ordered filed said report and opinion of the Acting Chief Executive Officer and adopted and ordered filed a final order and determination in Case No. 2672, as recommended in said report.

296—Case 2601

New York Railways Company—Receiver—Jackson Jacobs, Transfers—Report Filed

The Secretary presented a report, dated March 5, 1923, by Assistant Counsel Stover, advising that the Appellate Division had dismissed the certiorari order and affirmed the determination of the Commission in the above entitled matter.

The Commission ordered the report filed.

297—R. T. 6413

Routes Nos. 35 & 67—Receipt from Department of Finance for Check in Sum of \$900 for Payment for Modification of Ventilating Chamber in Front of Premises at Nos. 107-117 West 41st Street, Borough of Manhattan—Filed

The following receipt was ordered filed:

February 20, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
AUDITOR OF RECEIPTS

Received from TRANSIT COMMISSION certified check of James McCreery Realty Corporation for Nine Hundred 00/100 Dollars (\$900.00).

Particulars:

Estimated cost of work as determined by engineers of Transit Commission, pursuant to an agreement dated February 9, 1923, between The City of New York acting by the Transit Commission and the James McCreery Realty Corporation, providing for the construction, maintenance and operation of a portion of the subway ventilating chamber outside of the elevator well, in order to avoid the necessity of disturbing the sidewalk elevator and elevator well located in front of the premises Nos. 107-117 West 41st Street, Manhattan.

To be credited to account known as *Code No. S 915—Miscellaneous Receipts from the Transit Commission for work done by contractors not included within the provisions of their contracts.*

For Comptroller
H. H. RATHYEN,
Auditor of Receipts.

298—R. T. 6283

Fourth Avenue Subway—Receipt from Department of Finance for Check in Sum of \$900.00 as Refund for Cancellation of Liens on Property on West Side of Flatbush Avenue Extension South of DeKalb Avenue, Borough of Brooklyn—Filed

The following receipt was ordered filed:

February 28, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
AUDITOR OF RECEIPTS

Received from TRANSIT COMMISSION check of the Title Guarantee and Trust Company, dated Feb. 16, 1923, for Nine hundred 00/100 Dollars (\$900.00)

Particulars:

Refund of deposit placed July 20, 1921, to be returned upon cancellation of certain liens enumerated on receipt No. 841,630, given for said \$900.00 on July 20, 1921, in

the matter of Plot IV—West side of Flatbush Avenue extension 8'-11" south of DeKalb Ave., Borough of Brooklyn, sold at public auction April 28, 1921, to B. Zirinsky. The liens having been discharged, the refund is made.

For Comptroller
H. H. RATHYEN,
Auditor of Receipts.

299—Cases 1756, 1797

The Staten Island Rapid Transit Railway Company—Grade Crossing Eliminations at Pennsylvania Avenue, Clifton Avenue and Maryland Avenue, in the Borough of Richmond—Communications Filed

The Secretary presented:

1. A communication from the Auditor of The Staten Island Rapid Transit Railway Company, dated February 20, 1923, acknowledging receipt of check of the Treasurer of the State of New York in the amount of \$6,504.40, representing the balance of share of cost of the State of New York in the above entitled matter.

2. A communication from the Department of Finance, The City of New York, dated February 24, 1923, acknowledging receipt of check in the amount of \$2,553.99 of The Staten Island Rapid Transit Railway Company, representing the amount due the City from said railroad company on account of the cost of grade crossing eliminations in the above entitled matter.

The Commission ordered the two communications filed.

300

The Long Island Railroad Company—Tariffs—Tariff and Report Filed

The Secretary presented a report, dated February 20, 1923, by the Chief of the Transit Bureau, approved by the Acting Chief Executive Officer, transmitting copy of tariff of commutation fares of The Long Island Railroad Company designated T. C. N. Y. No. 208, clarifying the charges with respect to commutation tickets, etc., to be effective March 15, 1923.

The Commission ordered said tariff and report filed.

301

Employees' Resolution No. 131

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Willis R. Cantrell, junior assistant, at \$125.08 per month, to take effect March 5, 1923; Peter M. Joyce, inspector special trackwork installation, at \$125.08 per month, to take effect March 5, 1923.

Appointment under Rule VIII:4—Clement Dudrey, engineering inspector, at \$150.08 per month, to take effect March 5, 1923.

Appointment under Rule VIII:7—Kopple Tennygold, mechanical engineer, at \$150.08 per month, to take effect February 17, 1923.

Reinstatements under Rule XVI:1—Harry R. Gingher, inspector of steel, at \$200.00 per month, to take effect March 1, 1923; William J. Huber, inspector of steel, at \$175.00 per month, to take effect March 1, 1923.

Resignations—Harry R. Gingher, inspector of steel, at \$200.00 per month, to take effect March 1, 1923; William J. Huber, inspector of steel, at \$175.00 per month, to take effect March 1, 1923.

Transferred from State Commission of Highways—Theodore Regenstreich, junior assistant, at \$125.08 per month, to take effect March 13, 1923.

Transferred from State Engineer and Surveyor—Isie Spahn, junior assistant, at \$125.08 per month, to take effect March 13, 1923.

Promotion—Harry M. Leon, junior engineer, from \$162.50 per month to \$175.00 per month, to take effect February 1, 1923.

Appointment (Exempt)—Harry H. Mintz, assistant counsel, at \$275.00 per month, to take effect March 12, 1923.

302

Voucher Schedule No. 10

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of The State of New York as the vouchers may direct:

Vouchers Nos. 225-236, open market orders, \$446.08; Vouchers Nos. 115-127, miscellaneous bills, \$3,285.19; Vouchers Nos. 30-40, City Payrolls, \$84,864.60; Voucher No. CM-4, State payroll, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 56; John Pollock, approximate estimate No. 2 for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Line, from February 1, 1923 to February 28, 1923 (R. T. 7609) \$1,032.97;

Voucher No. 55; Station Finish Corporation, Assignee, approximate estimate No. 7 for the construction of station finish on Sections Nos. 3 and 4 and 5 of Route No. 8, from February 1, 1923 to February 28, 1923 (R. T. 7516) \$9,967.19;

Voucher No. 57; Patrick McGovern, Inc., Assignee, final estimate for the completion of construction of Section No. 2 of Route No. 8, to October 31, 1922 (R. T. 7092) \$63,318.93;

Voucher No. 58; Wagner Engineering Company, Inc.; approximate estimate No. 2 for the construction of direction signs at stations of the rapid transit railroad of The City of New York, from January 6, 1923 to March 5, 1923 (R. T. 7482) \$1,012.08;

Voucher No. 59; T. H. Reynolds Contracting Company, Inc.; approximate estimate No. 3 for the installation of tracks on Sections Nos. 1 to 5 of Route No. 8, from February 1, 1923 to February 28, 1923 (R. T. 7536) \$20,586.05;

Voucher No. 60; Michael DelBalso; approximate estimate No. 2 for the installation of tracks, including furnishing part of the track material and the construction of drainage system and concrete inspection pits for a portion of the White Plains Road Line, Route No. 18, 239th Street Yard, from February 1, 1923 to February 28, 1923 (R. T. 7528) \$13,278.60;

Voucher No. 61; P. J. Healey, final estimate for making land and river borings along the proposed extension of the Corona Branch of the Queensboro Rapid Transit Railroad, to February 6, 1923 (R. T. 5006) \$1,186.89.

JAMES B. WALKER,
Secretary

Proceedings for Wednesday, March 7, 1923

303

Hearing

The following hearing was held:

10:30 A. M.; Case No. 2674; Brooklyn Eastern District Terminal; application for approval of proceedings to condemn real property located at No. 80 Kent Avenue, Brooklyn. George O. Redington, Counsel, presided. Adjourned to March 14, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, March 13, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

304—R. T. 7648

Order No. 8—Form of Contract, Specifications, Invitation to Contractors, etc., for Supply of Ties and Timber—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the supply of ties and timber (Order No. 8) for use in the construction of rapid transit railroads,

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the supply of ties and timber (Order No. 8) for use in the construction of rapid transit railroads be and hereby are approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication continuously from and including the 15th day of March, 1923 to and including the 30th day of March, 1923 and on March 16, 1923 and March 23, 1923 in the Journal of Commerce and The Evening Telegram, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 30th day of March, 1923, at eleven-thirty (11:30) o'clock a. m., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission at the office of the Transit Commission, and read.

305—R. T. 7601

Route No. 52, Section No. 1—Resolution Directing Readvertisement for Bids for Furnishing and Erecting Structural Steel—Adopted

The following resolution was adopted:

Whereas, The proposed contract for furnishing and erecting structural steel for a part of the rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, was finally adopted on November 28, 1922 and subsequent to advertisement duly made bids were received therefor on December 14, 1922, the Commission awarding said proposed contract, by resolution adopted December 19, 1922, to the lowest bid received, to wit, that of the Phoenix Bridge Company, subject to its being consented to in form

and substance as required by law, and thereafter transmitted said proposed contract, together with a requisition for the money necessary to meet the obligations of the City thereunder, to the Board of Estimate and Apportionment; and

Whereas, By resolution adopted January 30, 1923 this Commission, upon the application of said Phoenix Bridge Company, rejected all bids so received and returned the checks deposited with said bids; and

Whereas, This Commission is of the opinion that said proposed contract should now be readvertised,

Resolved, That the Invitation to Contractors forming part of said proposed contract, approved and adopted as aforesaid on November 28, 1922, be published in the City Record every day of publication continuously from and including March 16, 1923 to and including April 2, 1923 and on March 16, 1923 and March 23, 1923 in the Flushing Times and The World, daily newspapers published in The City of New York and that such bids as shall be received shall, on the 2nd day of April, 1923 at eleven-thirty (11:30) o'clock A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission or its Secretary, at the office of the Transit Commission, and read.

306—R. T. 7642

Agreement "CK"—Form of Contract, Specifications, Invitation to Contractors, etc., for Excavation and Construction of Retaining Wall at Lenox Avenue and 148th Street Yard—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings (Agreement "CK") for the excavation and the construction of a retaining wall at the Lenox Avenue Yard, 7th Avenue between 148th and 150th Streets, Manhattan.

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings (Agreement "CK") for the excavation and the construction of a retaining wall at the Lenox Avenue Yard, 7th Avenue between 148th and 150th Streets, Manhattan, be and hereby are approved and adopted and that said invitation to Contractors be published in the City Record every day of publication continuously from and including March 16, 1923 to and including March 29, 1923, and on March 16, 1923 and March 23, 1923 in The New York Herald and The Evening World, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 29th day of March, 1923 at eleven-thirty (11:30) o'clock A. M. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

307—R. T. 6924

Routes Nos. 43 & 26—Application by Charles T. Wills, Inc., for Approval of Proposed Permit for Making Changes in Roof of Subway Structure at Grand Central Station—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Charles T. Wills, Inc. dated March 5, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company for making certain changes in the roof of the subway structure at the Grand Central Station over the express tracks in connection with the construction of entrances to the Grand Central Station through the Pershing Square Building.

A report was presented from the Chief Engineer dated March 8, 1923, stating that there is no objection thereto and recommending that the permit be approved.

The following resolution was adopted:

Whereas, Charles T. Wills, Inc., has by communication, dated March 5, 1923, made application to the Commission for its approval of a permit issued by the Interborough Rapid Transit Company and accepted by said Charles T. Wills, Inc., under date of February 27, 1923, for making certain changes in the roof of subway structure at the Grand Central Station over the express tracks in accordance with Commission Drawing No. 193, File No. 3801, and in connection with construction of entrances to Grand Central Station through the Pershing Square Building; and

Whereas, The Chief Engineer of the Commission has by communication, dated March 8, 1923, reported to the Commission that he has examined said permit and finds no objection thereto and recommends its approval; and

Whereas, Counsel to the Commission has examined said permit and finds no objection thereto:

Resolved, That said permit be and the same hereby is approved by the Commission.

Further Resolved, That the Chairman and Secretary of the Commission be and they are hereby authorized to indorse said approval of the Commission upon said permit.

308—R. T. 7544

Fourth Avenue Subway—Report by Chief Engineer Recommending Extension of Time to December 23, 1922, within Which to Complete Curbing and Sidewalk Replacement on North Side of Fulton Street between Flatbush Avenue Extension and Hudson Avenue—Approval Resolution

A report was presented by the Chief Engineer dated March 10, 1923, recommending that an extension of time be granted to M. I. Sachs to and including December 23, 1922, within which to complete work under the contract for curbing and sidewalk replacement on the north side of Fulton Street between Flatbush Avenue Extension and Hudson Avenue, Borough of Brooklyn.

The following resolution was adopted:

Whereas, The contract dated November 14, 1922 between the Transit Commission and M. I. Sachs for certain curbing and sidewalk replacement and repairing adjoining property heretofore acquired for rapid transit purposes and under the jurisdiction of the Transit Commission on the north side of Fulton Street between Flatbush Avenue Extension and Hudson Avenue, required the completion of all work thereunder on or before the expiration of twenty working days or December 9, 1922; and

Whereas, The Chief Engineer of this Commission by communication dated March 10, 1923 has reported that the actual date for completion was December 23, 1922; that after the beginning of the work it was prosecuted diligently as the weather permitted until completion; that the circumstances which obtained during the performance of the work are sufficient to warrant the extension of time to the actual date of completion and so recommends,

Resolved, That the time within which to complete the work under said contract aforesaid be and the same hereby is extended to and including December 23, 1922.

309—R. T. 7544

Fourth Avenue Subway—Certificate by Chief Engineer of Completion of Contract for Curbing and Sidewalk Restoration on North Side of Fulton Street between Flatbush Avenue Extension and Hudson Avenue, Brooklyn—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

March 12, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Curbing and Sidewalk Replacement and Repairing North Side of Fulton Street between Flatbush Avenue Extension and Hudson Avenue.

In connection with the contract dated November 14, 1922, between the City of New York and M. I. Sachs for curbing and sidewalk replacement and repairing north

side of Fulton Street between Flatbush Avenue Extension and Hudson Avenue, Borough of Brooklyn, I hereby certify that the work was completed on December 23, 1922. The cost of the work was \$2,970.50.

In accordance with the provisions of the contract the work should have been completed by December 9, 1922. The time for completion, however, was extended to December 23, 1922, by resolution of the Transit Commission adopted on March 13, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The contract dated November 14, 1922, between The City of New York, acting by the Transit Commission, and M. I. Sachs, for curbing and sidewalk restoration and repairing north side of Fulton Street between Flatbush Avenue Extension and Hudson Avenue, Borough of Brooklyn, contiguous to property heretofore acquired for rapid transit purposes, required the completion of all work thereunder on or before December 9, 1922, which time was extended to and including December 23, 1922, by resolution of the Transit Commission adopted on March 13, 1923; and

Whereas, The Chief Engineer of this Commission has, by communication dated March 12, 1923, reported that all the work under said contract was in all respects completed on or before December 23, 1922; that the total amount due therefor was \$2,970.50 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York,

Resolved, That the said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

310—R. T. 6974

Route No. 12, Section No. 2-A—Application by New York Municipal Railway Corporation for Approval of Assignment of Sum of \$567.16 from Money Due Degnon Contracting Company from City—Approval Resolution

An application was presented from the New York Municipal Railway Corporation by F. C. Mulrenan, Assistant Counsel, dated March 8, 1923, requesting the approval of an assignment of \$567.16, by The Degnon Contracting Company out of the money due the contractor from The City of New York in connection with the contract for the construction of Section No. 2-A of Route No. 12. The following resolution was adopted:

Whereas, The Degnon Contracting Company by instrument duly signed and acknowledged on the 27th day of February, 1923, has assigned, transferred and set over to Lindley M. Garrison, as Receiver of New York Municipal Railway Corporation, his successors and assigns, the sum of Five hundred and sixty-seven and 16/100 (\$567.16) Dollars, out of the amount now claimed to be due the said The Degnon Contracting Company from The City of New York on Contract No. 44,690, Article 12, Construction Rapid Transit Subway 2-A Route 12; and

Whereas, F. C. Mulrenan, Assistant Counsel for Lindley M. Garrison, Receiver of New York Municipal Railway Corporation, has by communication, dated March 8, 1923, made application to the Commission for its approval of said assignment; and

Whereas, Counsel to the Commission has examined said assignment and finds no objection thereto;

Resolved, That the said assignment be and the same hereby is approved subject to all the terms and conditions contained in said contract and upon condition further:

First: That said assignment and the consent of this Commission herein given shall in no respect defeat or impair such rights and remedies as subcontractors or

other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment and the consent of this Commission herein given shall in no respect affect the rights of The City of New York or of this Commission or of any board, officer, agent or employee acting for The City of New York or this Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and Conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: That this consent shall be of no force or effect unless and until there shall be delivered to this Commission an acceptance by said The Degnon Contracting Company and said Lindley M. Garrison, Receiver of New York Municipal Railway Corporation in form to be approved by Counsel to this Commission and duly executed and acknowledged accepting the terms of this consent herein given, and unless and until it shall be consented to in writing in form to be approved by Counsel to this Commission by the sureties upon the bond deposited for the faithful performance of said contract.

311—R. T. 6407

Route No. 52—Communication to Interborough Rapid Transit Company Advising of Determination to Include Flushing Line as an Extension of Queensboro Subway Line—Approved

The following communication was approved:

March 13, 1923.

INTERBOROUGH RAPID TRANSIT COMPANY,
165 Broadway,
New York City.
Sirs:

Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, and particularly the provisions of Article LXXII thereof the Transit Commission, as successor under said contract to the Public Service Commission for the First District, has determined to add to Subdivision V of the Queensboro Subway Line and as an Extension thereto a rapid transit railroad commencing at the present terminus of said portion of said line and extending over and along Roosevelt Avenue and the Flushing River to Main Street, Flushing.

Notice is hereby given you of such determination of the Transit Commission and you are requested to inform the Commission whether you acquiesce in the addition of such Extension.

Very truly yours,

GEORGE McANENY,
Chairman.

312—R. T. 6761, 6694, 7083

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Signal and Interlocking Apparatus in Jerome Avenue Yard—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated February 13, 1923, requesting approval of a proposed purchasing agent's order directed to the Union Switch and Signal Co. for signal and interlocking apparatus to be installed in the Jerome Avenue Yard, at a cost of \$31,059.90.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 6, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has by communication dated February 13, 1923, submitted for the approval of this Commission proposed purchasing agent's order dated February 13, 1923, directed to Union Switch and Signal Company for the manufacture and delivery of signal and interlocking apparatus to be installed in the so-called Jerome Avenue Yard of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad described in said Contract No. 3 in compliance with its obligation to install Equipment as defined in said contract, which proposed purchasing agent's order has been caused to be designated as "Approval No. 454"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have by communication dated March 6, 1923, reported that the following bids were taken for such work:

Union Switch and Signal Co.	\$31,059.90
*General Railway Signal Co.	1,345.00
*Hall Switch and Signal Co.	1,356.00
*Federal Signal Co.	5,278.00
T. Georges Stiles Co.	No bid
Coleman Railway Supply Co.	No bid
Traction Supply and Equipment Co.	No bid

that it is necessary to purchase said material from the Union Switch and Signal Company so as to have it conform with the standard of the present signal equipment; that such equipment is necessary for the safe operation of said yard and is in accordance with the best engineering practice; that the prices are not unreasonable and the best obtainable and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs has by endorsement dated March 8, 1923, recommended the approval of said proposed purchasing agent's order, the cost therefor, to be classified as Equipment of the Railroad under said Contract No. 3,

Resolved, That the said reports and recommendation so submitted be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

313—R. T. 6420

Manhattan Railroads—Proposed Stipulation with Interborough Rapid Transit Company as to Cost of Improvements, Betterments or Additions to the Existing Manhattan Railroads—Approval Resolution

The following resolution was adopted:

Whereas, A dispute has arisen between the Transit Commission, as grantor, and the Interborough Rapid Transit Company, as grantee, as to the proper meaning and interpretation of the provisions of the certificate dated March 19, 1913 granted to said Interborough Rapid Transit Company for certain elevated extensions, the Commission contending that the said certificate does not permit the making of Additions, as defined therein, to the Manhattan Railroad, as defined therein, and the Interborough Rapid Transit Company claiming that such certificate does permit the making of Additions to said Manhattan Railroad, and it is accordingly entitled, under Subdivision 8 of Article XII of said certificate to deduct from the revenue derived from the

*Not a complete bid.

operation of the Company Lines, as defined in said certificate, the interest and amortization of the cost of any betterment, improvement or Addition to the Manhattan Railroad during the term of the grant under said certificate; and

Whereas, Counsel to the Commission and the said grantee have prepared a proposed stipulation which will permit the charging of the cost of improvements, betterments or Additions to the existing Manhattan Railroads and the making of such deductions until such time as the Commission may desire to contest the right of the company so to do by a legal determination of the proper interpretation of the provisions of said Extension Certificate, which proposed stipulation has been approved and executed by said Interborough Rapid Transit Company and is now submitted to this Commission by Counsel with the recommendation that it be approved and executed,

Resolved, That the said proposed stipulation so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver it for and on behalf of this Commission.

314—R. T. 6597

Manhattan Railroads—Application by Interborough Rapid Transit Company for Approval of Installation of Automatic Pre-payment Turnstiles upon Stations of Elevated Lines—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending that the Application Be Approved—Report by Auditor of Rapid Transit Costs Assigning Work Order No. IMA-1—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 21, 1922, requesting approval to the installation of automatic pre-payment turnstiles upon stations of the elevated lines.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated June 30, 1922, recommending that the application be approved from an engineering standpoint.

A report was presented from the Auditor of Rapid Transit Costs dated March 12, 1923, classifying the work as Additions to the Existing Manhattan Railroads and assigning Work Order No. IMA-1.

The following resolution was adopted:

Whereas, The Public Service Commission for the First District, a predecessor of this Commission, granted to Interborough Rapid Transit Company a certificate dated March 19, 1913, for certain Extensions to the Existing Manhattan Elevated Railroads, known as the Webster Avenue Line, the Eighth Avenue and 162nd Street Connection, the Queensboro Bridge Line and the West Farms Subway Connection; and

Whereas, The Interborough Rapid Transit Company, by communication dated June 21, 1922, from Frank Hedley, its President and General Manager, has pursuant to said Extension Certificate and the stipulation hereinafter referred to, requested the approval of this Commission to the installation of automatic pre-payment turnstiles (of a character and design similar to the turnstiles installed in the subway portions of its lines with the approval of this Commission) upon the stations of its elevated lines; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated June 30, 1922, have reported that from an engineering standpoint the installation of such turnstiles on the elevated portions of the lines of the Interborough Rapid Transit Company is satisfactory and recommend the approval of said application; and

Whereas, This Commission has approved a stipulation dated March 9, 1923, between this Commission and Interborough Rapid Transit Company with respect to the proper interpretation and meaning of the provisions of the said Extension Certificate particularly as to betterments, improvements or additions to the Existing Manhattan Railroads; and

Whereas, The Auditor of Rapid Transit Costs has recommended the assignment of Work Order No. IMA-1 to the work of installing said turnstiles on the stations of the Existing Manhattan Railroads and the classification thereof, subject to the provisions of said stipulation, as "Additions to the Existing Manhattan Railroads,"

Resolved, That said reports and recommendations be and the same hereby are approved; that the application of Interborough Rapid Transit Company aforesaid be and the same hereby is approved; that the installation of said turnstiles on the stations of the Existing Manhattan Railroads to be Additions to the Existing Manhattan Railroads pursuant to and as provided in said stipulation dated March 9, 1923, aforesaid, and as to which this Commission assigns Work Order No. IMA-1, such approval being upon the conditions following:

- (1) that the number and arrangement of turnstiles at each station shall receive the approval of the Chief Engineer in advance of installation.
- (2) that the Commission reserves the right to order the removal or relocation of any or all of the turnstiles if the judgment of the Commission indicates this course to be warranted, and the restoration of the station to its previous condition.
- (3) that the expense of such work which is not a betterment, including all changes to station structures, railings, etc., shall be paid for as Maintenance.

315—R. T. 7007

Manhattan Railroads—Application by Interborough Rapid Transit Company for Permission to Equip 465 Manhattan Elevated Cars with Multiple Unit Door Control Device—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs Assigning Work Order No. IMA-2—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated January 8, 1923, requesting approval to the installation of multiple unit door control device on 465 elevated cars for use on Manhattan Elevated Lines.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated January 27, 1923, stating that the general plan for the necessary changes is satisfactory and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs dated March 12, 1923, classifying the work as Additions to Existing Manhattan Railroads and assigning Work Order No. IMA-2.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the certificate dated March 19, 1913 granted to the Interborough Rapid Transit Company by the Public Service Commission for the First District for certain elevated extensions known as the Webster Avenue Line, Eighth Avenue and 162nd Street Connection, Queensboro Bridge Line and West Farms Subway Connection, said Interborough Rapid Transit Company, by communication dated January 8, 1923, has requested the approval of this Commission to the installation of a multiple door control (including car body changes) on certain elevated cars for use on the Manhattan Elevated Lines; and

Whereas, The said Interborough Rapid Transit Company and this Commission have entered into a stipulation dated March 9, 1923 with respect to the making of improvements, betterments or additions to the Existing Manhattan Railroads as therein more particularly provided; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated January 27, 1923, reported that the work will include removing the existing swinging gates from the car platform ends and installing in their place sliding steel doors, the control for which will be similar to that now in operation on the subway cars; that the general plan for such changes appears to be satisfactory and recommend the approval of said application; and

Whereas, By communication dated March 12, 1923 the Auditor of Rapid Transit

Costs of this Commission has reported that the following are the cars upon which it is tentatively proposed to install such multiple door control apparatus:

Number of Cars	Name of Builder	Date Built	Car Numbers
<i>178 Motors for Western Division Service</i>			
118	Wason Mfg. Co.....	1902-1903	172, 221-227, 229-241, 1121-1129, 1131-1218
60	Wason Mfg. Co.....	1903	1255-1314
<i>97 Motors for Eastern Division Service</i>			
18	Barney & Smith.....	1910	1635-1652
19	Jewett Car. Co.....	1910	1654-1672
40	Jewett Car Co.....	1911-1912	1753-1792
20	Cincinnati Car So....	1911	1793-1812
<i>190 Trailers for Eastern and Western Division Service</i>			
111	St. Louis Car Co....	1907-1908	1417-1458, 1460-1528
19	Wason Mfg. Co.....	1909	1673-1685, 1687-1692
20	St. Louis Car Co....	1911	1693-1712
40	Wason Mfg. Co.....	1911	1713-1752
	Total Motors		275
	Total Trailers		190
	Total Cars		465

; that the work be classified as Additions to Existing Manhattan Railroads; that Work Order No. IMA-2 be assigned thereto, provided, however, that the part of the cost of such work which is not a betterment, including the cost of re-arranging existing facilities, be charged to Maintenance.

Resolved, That said reports and recommendations be and the same hereby are approved; that pursuant to the said Extension Certificate and said stipulation of March 9, 1923 aforesaid the said application of Interborough Rapid Transit Company be and the same hereby is approved; such work to be classified as Additions to the Existing Manhattan Railroads and as to which unit this Commission assigns Work Order No. IMA-2, the part of the cost of which work is not a betterment, including the cost of rearranging existing facilities, to be charged to Maintenance.

316—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of a Proposed Purchasing Agent's Order on the Long Bell Lumber Company for Lumber Requirements on All Divisions—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated February 26, 1923, requesting approval of a proposed purchasing agent's order directed to the Long Bell Lumber Company for lumber requirements on all divisions at a cost of \$91,456.20.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 6, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Pursuant to the provisions of Article XXIII of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3 and pursuant also to the provisions of Article X of the certificate dated March 19, 1913 issued to said Interborough Rapid Transit Company for certain

Elevated Extensions, said Interborough Rapid Transit Company has by communication dated February, 26, 1923 submitted for the approval of this Commission proposed purchasing agent's order dated February 26, 1923 directed to The Long Bell Lumber Company for the following:

- 90,000 ft. B.M. 1 3/4" x 6" x 16' and up slatting
- 110,000 ft. B.M. 2" x 6" x 18' and up slatting
- 500,000 ft. B.M. 6" x 8" x 30' and up Guard Rail
- 160,000 ft. B.M. 6" x 8" x 8'0" Ties (5,000 pcs.)
- 51,000 ft. E.M. 6" x 8" x 8'6" Ties (1,500 pcs.)
- 54,000 ft. B.M. 6" x 8" x 9'0" Ties (1,500 pcs.)
- 52,800 ft. B.M. 6" x 8" x 12'0" Ties (1,100 pcs.)
- 10,000 ft. B.M. 8" x 12" x 24' to 30' Timber
- 10,000 ft. B.M. 10" x 10" x 30' Timber
- 10,000 ft. B.M. 10" x 12" x 24' to 30' Timber
- 25,000 ft. B.M. 12" x 12" x 30' Timber

All of the foregoing to be Long Leaf Yellow Pine and to conform to the Manhattan Railway Division Standard Specifications for Track Timber dated October 15, 1904, 1 3/4" x 6" slatting to be in lengths of 16' to 30' multiples of 2'. 2 x 6" Slatting to be in multiples of 4' 6" minimum length 18' and at least 50% to be 22' 6" and longer.

Guard Rail to be 30' and up in length, multiples of 2'.

Ties to be saw-butted to exact length given.

Price: \$85.25 per M. ft.—f.o.b. 159th St. and Harlem River Dock, N. Y. C. based on present freight rate, any increase or decline to be for our account. 2% ten days.

Total bid \$91,456.20

which proposed purchasing agent's order has been caused to be designated as "Approval No. 455"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated March 6, 1923 reported that the bids received for said work were as follows:

The Long Bell Lumber Co.....	\$85.25 per M. ft.
J. H. Burton and Sons Company.....	87.50 per M. ft.
Virginia Lumber Company.....	90.75 per M. ft.
Herman Hettler Lumber Company.....	91.05 per M. ft.
Bowman Hicks Lumber Co.....	97.00 per M. ft.
The McLeod Lumber Co.....	100.00 per M. ft.

that invitations to bid were sent to fifty-four other companies but no bids were received; that such material is necessary for the maintenance of the Railroad and maintenance of the lines described in said Contract No. 3 and said Extension Certificate; that the quantity of lumber so to be purchased is reasonable and recommend that the said proposed purchasing agent's order so submitted be approved.

Resolved, That said report and recommendation be and the same hereby are approved; that said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

317—R. T. 7628, 6668

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Installation of Ducts and Manholes on Hanson Place—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Assigning Work Order No. MBA-17—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated January 29, 1923, requesting approval of a proposed purchasing agent's order directed to Edwards & Flood, Inc., covering the installation of ducts and manholes on

Hanson Place in order to house additional power cables connecting the Williamsburg Power House with the Fourth Avenue Rapid Transit Railroad at a cost of \$4,515.30.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 21, 1923, recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant, dated March 5, 1923, assigning Work Order No. MBA-17 to the work.

The following resolution was adopted:

Whereas, By resolution adopted on October 24, 1922 this Commission, pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, approved the proposal of the Receiver of said New York Municipal Railway Corporation to the installation of two high tension cables from the Williamsburg Power House to the Fourth Avenue Subway at First Street as Additional Equipment of the Railroad under said Contract No. 4 and assigned thereto Work Order No. MBA-17, as more particularly set forth in said resolution; and

Whereas, Pursuant to said authorization the said Receiver of New York Municipal Railway Corporation has, by communication dated January 29, 1923, submitted for the approval of this Commission proposed purchasing agent's order, together with the specifications made part thereof, dated January 29, 1923, directed to Edwards & Flood, Inc., for the following:

Furnish the labor and material (except material as specified to be furnished by the Receiver) necessary to install ducts, and manholes on Hanson Place, Brooklyn, N. Y., in accordance with attached specifications dated January 2, 1923.

Payments to be made at Unit Price indicated on attached sheet.

Partial payments to be made on the 20th day of each month for 90% of the value of the work performed during the preceding month, provided the Contractor is making proper progress and payments by the Contractor to any sub-Contractor for work done in connection with the work are being made consistent with payments by the Receiver to the Contractor.

Time of completion—Three (3) months from date of order.

Bond of Five Thousand Dollars (\$5,000) required.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 341": and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer report that such work is necessary to house the additional power cables connecting the Williamsburg Power House with the said Fourth Avenue Rapid Transit Railroad as approved on October 24, 1922 aforesaid; that the following bids were received for such work:

Edwards & Flood, Inc.....	\$4,515.30
Henry E. Fox Construction Co.....	5,924.30
G. M. Gest	6,859.80
B. T. & I. J. Mack, Inc.....	6,060.70
Fred T. Levy & Co.....	Did not bid
Eastern Contracting Co.....	Did not bid
Slattery Engr. & Constr. Co.....	Did not bid
Thomas Crimmins Contracting Co.....	Did not bid
Seymour Construction Co.....	Did not bid

; that the prices are reasonable and recommend the approval of said proposed purchasing agent's order and the specifications made part thereof; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have, by communication dated March 5, 1923, reported that the work proposed by said proposed purchasing agent's order is that heretofore approved on October 24, 1922 and as to which Work Order No. MBA-17 was assigned,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order, together with the speci-

fications made part thereof, so submitted, be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

318—R. T. 7641

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Installation of Automatic Interlocking Plant at Myrtle and Grand Avenues, Borough of Brooklyn—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Classifying Work and Assigning Work Order No. MCR-14—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated November 10, 1922, requesting approval of the installation of an automatic interlocking plant at the junction of Myrtle and Lexington Avenue Lines at Myrtle and Grand Avenues in the Borough of Brooklyn at an estimated cost of \$6,000.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 20, 1922, stating that the apparatus is satisfactory and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated March 8, 1923, classifying the work as a Replacement and assigning Work Order No. MCR-14.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation has by communication dated November 10, 1922, requested the approval of this Commission to the installation of an automatic interlocking plant at the junction of Myrtle and Lexington Avenue Lines of the Existing Railroads at Myrtle and Grand Avenues in the Borough of Brooklyn, in order to avoid the expense of towermen at this location during hours or days of light traffic; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have by communication dated November 20, 1922 reported that the estimated cost of such installation is \$6,000; that it is similar to the plant at the Franklin Avenue Station of the Brighton Beach Line of the Existing Railroads heretofore approved and on other points; that the drawing showing said proposed apparatus is satisfactory and recommend the approval of said installation; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have by communication dated March 8, 1923 recommend that the cost of said project be paid for out of that portion of the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from service and that such work be classified as a Replacement and that this Commission assign thereto Work Order No. MCR-14.

Resolved, That said reports and recommendation be and the same hereby are approved; that the said proposal of said Receiver be and the same hereby is approved, such work to be classified as a Replacement, the cost thereof to be paid for from the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from service and as to which unit this Commission assigns Work Order No. MCR-14.

319—R. T. 6856, 6695

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Additional Signal at West 8th Street Station of Brighton Beach Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Classifying Work and Assigning Work Order No. MCR-15—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated December 8, 1922, requesting approval to the installation of an additional signal on track A-2 of the Brighton Beach Line, at the West 8th Street station, at an estimated cost of \$2,500.00.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated December 19, 1922, stating that the proposed apparatus is satisfactory and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated March 7, 1923, classifying the work as a Replacement and assigning Work Order No. MCR-15.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation has by communication dated December 8, 1922, requested the approval of this Commission to the installation of an additional signal on track A-2 of the Brighton Beach Line at West 8th Street Station, Coney Island Terminal; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have by communication dated December 19, 1922, reported that the estimated cost of such installation is \$2 500; that the drawing showing said proposed apparatus is satisfactory and recommend the approval of said installation; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have by communication dated March 7, 1923, recommended that the cost of said project be paid for out of that portion of the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from service and that such work be classified as a Replacement and that this Commission assign thereto Work Order No. MCR-15,

Resolved, That said reports and recommendation be and the same hereby are approved; that the said proposal of said Receiver be and the same hereby is approved, such work to be classified as a Replacement, the cost thereof to be paid for from the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from service and as to which unit this Commission assigns Work Order No. MCR-15.

320—R. T. 7565 .

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Construction of Waiting Room on Eastbound Platform of Atlantic Avenue Station of Fulton Street Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Classifying Work and Assigning Work Order No. MCR-16—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated December 29, 1922, requesting approval of the construction of a waiting room on the eastbound platform of the Atlantic Avenue station of the Fulton Street Line at a cost of \$1,800.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 1, 1923, recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated March 7, 1923, classifying the work as a Replacement and assigning Work Order No. MCR-16.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation has by communication dated December 29, 1922 requested the approval of this Commission to the construction of a waiting room on the eastbound platform of the Atlantic Avenue Station, Fulton Street Elevated Line; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have by communication dated February 1, 1923 reported that the estimated cost of such construction is \$1,800; that it is similar to the one now being constructed on the westbound platform, and recommend its approval; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have by communication dated March 7, 1923 recommended that the cost of said project be paid for out of that portion of the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from service and that such work be classified as a Replacement and that this Commission assign thereto Work Order No. MCR-16,

Resolved, That said reports and recommendation be and the same hereby are approved; that the said proposal of said Receiver be and the same hereby is approved, such work to be classified as a Replacement, the cost thereof to be paid for from the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from service and as to which unit this Commission assigns Work Order No. MCR-16.

321—R. T. 7650

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Transfer of Cost for Automatic Interlocking Equipment at Fulton Street and Franklin Avenue as a Capital Charge—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Assigning Work Order No. MCR-13—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated October 27, 1922, requesting that the cost of the installation of an automatic interlocking equipment at Fulton Street and Franklin Avenue, Brooklyn, be transferred as a Capital charge.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 9, 1922, recommending that the application be granted from an engineering standpoint.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated March 10, 1923, classifying the work as a charge to Maintenance and assigning Work Order No. MCR-13.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver

of said New York Municipal Railway Corporation, has by communication dated October 27, 1922, requested that the cost, now carried in "suspense," of the installation of an automatic interlocking equipment at Fulton Street and Franklin Avenue on the Brighton Beach Line of the Existing Railroads, described in said Contract No. 4 be transferred to a Capital charge; and

Whereas, By communication dated November 9, 1922, the Engineer of Equipment and Operation and the Chief Engineer have reported that the amount to be transferred is slightly in excess of \$1,500; that the installation of said apparatus was approved by the Chief Executive Officer of this Commission under date of December 19, 1921, upon the condition that the cost be held in "Suspense" until the practicability of the installation should be demonstrated after which a charge would be made to Capital and that this equipment has been in successful operation since March 20, 1922, and that from an engineering standpoint there is no reason why said equipment so installed should not be accepted as permanent and recommend from an engineering standpoint that the application of the Receiver aforesaid be granted; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have recommended with respect to said application that the cost of the above described work in so far as it is a betterment, be provided out of that portion of moneys of the "Depreciation Fund for Existing Railroads" made available by Retirements from service and as to which Work Order No. MCR-13 be assigned and that the cost of rearranging existing facilities should be charged to Maintenance,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said application of the Receiver aforesaid be and the same hereby is granted upon condition that the cost of such installation in so far as it is a betterment, shall be provided out of that portion of the moneys of the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from service and as to which this Commission assigns Work Order No. MCR-13, the cost of rearranging existing facilities to be charged to Maintenance.

322—R. T. 7649

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Installation of Train Stop Indication Boards on Elevated Stations—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Assigning Work Orders Nos. MBA-20, MCR-17 and MEA-4—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated November 21, 1922, requesting approval to the installation of train stop indication boards on stations of elevated lines where subway cars are in operation at an estimated cost of \$5,000.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 2, 1923, stating that the boards are a necessity and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated March 7, 1923, classifying the work as described below.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between the City of New York and New York Municipal Railway Corporation, known as Contract No. 4, and pursuant also to the provisions of the certificate dated March 19, 1913 granted to said New York Municipal Railway Corporation for certain Elevated Extensions, the Receiver of said New York Municipal Railway Corporation has, by communication dated November 21, 1922, requested the approval of this Commission to the installation of train stop indication boards on stations of elevated lines where subway cars are in operation on portions of the Railroad and Existing Railroads as defined in said Contract No. 4 and upon the railroads as defined in the Extension Certificate; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated February 2, 1923, reported that the estimated cost of such work is \$5,000; that said boards are to warn trainmen as to the position of their car or train relative to the end of the platform to prevent the opening of doors that may not be opposite the platform; that the installation of said boards are necessary for safe operation; that the estimated cost is reasonable and recommend that the said application be approved; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have, by communication dated March 7, 1923, reported that the cost of such work is apportioned as follows:

The Railroad—West End Line.....	\$1,000.00
Existing Railroads, Broadway Line } Myrtle Avenue Line } Canarsie Line }	2,800.00
Elevated Extensions, Liberty Avenue Line } Jamaica Line }	1,200.00

and recommends that such work on the Railroad be classified as Additional Equipment of the Railroad and that Work Order No. MBA-20 be assigned thereto; that such work on the Existing Railroads be classified as a Replacement, the cost thereof to be paid from the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from Service and that Work Order No. MCR-17 be assigned thereto and that such work on the Elevated Extensions be classified as Additions to Elevated Extensions and that Work Order No. MEA-4 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said application of the Receiver as aforesaid be and the same hereby is approved upon the following conditions:

- (a) That such work on the Railroad be classified as Additional Equipment for the Railroad and as to which this Commission assigns Work Order No. MBA-20;
- (b) that such work on the Existing Railroads be classified as a Replacement, the cost thereof to be paid for out of that portion of the moneys of the "Depreciation Fund for Existing Railroads," which has been made available by Retirements from Service and as to which this Commission assigns Work Order No. MCR-17;
- (c) that such work on the Elevated Extensions be classified as Additions, to wit, Elevated Extensions and as to which this Commission assigns Work Order No. MEA-4.

323—R. T. 7565, 7585

Contract No. 4—Applications by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Orders for Construction of Waiting Rooms at Atlantic Avenue and Eastern Parkway Stations and for Installation of Interlocking Plant at Queensboro Plaza Station—Report by Chief Engineer Stating Orders Do Not Require Approval—Communication to Company Returning Orders.

Applications were presented from the New York Municipal Railway Corporation dated November 3, 1922, and December 4, 1922, requesting the approval of proposed purchasing agent's orders directed to the Receiver of the New York Consolidated Railroad Company covering the construction of three waiting rooms on the platforms of the Atlantic Avenue and Eastern Parkway Stations and covering the installation of an interlocking plant at the Queensboro Plaza Station.

A report was presented from the Chief Engineer dated March 8, 1923, concurred in by Counsel, stating that the orders do not require the approval of the Commission.

The Secretary was directed to return the purchasing agent's orders to the Receiver of the New York Municipal Railway Corporation without approval.

324—R. T. 6595

Contract No. 4—Statement from New York Consolidated Railroad Company of Results of Operation for Month of January, 1923, and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

A communication dated March 7, 1923, from the New York Consolidated Railroad Company, by Howard Abel, Comptroller for Lindley M. Garrison, Receiver, submitting statements of Results of Operation for the month of January, 1923, for the period from August 4, 1913 to January 31, 1923, and the status of Maintenance and Depreciation Funds, under Contract No. 4, was referred to the Chief Accountant.

325—R. T. 4040

Hudson and Manhattan Railroad Company—Report by Special Committee as to Adjustment of Rentals under Certificate of February 2, 1905, for Extensions—Opinion by Commissioner O’Ryan—Approval Resolution

A report was presented from Lincoln C. Andrews, Chief Executive Officer, Howard Thayer Kingsbury, Counsel, and W. D. A. Anderson, as Special Committee, dated December 27, 1921, as to the readjustment of the franchise rentals under the certificate dated February 2, 1905, issued to the New York and Jersey Railroad Company, predecessor of the Hudson and Manhattan Railroad Company, providing for extensions in the Borough of Manhattan.

The following opinion by Commissioner O’Ryan was presented:

STATE OF NEW YORK
TRANSIT COMMISSION

IN THE MATTER

of the

Proposed Agreement with the HUDSON & MANHATTAN RAILROAD COMPANY for the Adjustment of Rentals under Certificate of November 2, 1905, for Extensions in the Borough of Manhattan.

R. T. No. 4040
OPINION
FEBRUARY 28, 1923

To the TRANSIT COMMISSION:

O’Ryan, Commissioner: The Hudson & Manhattan Railroad Company, through a predecessor company, received a franchise from the City of New York to construct a subway from the centre line of the Hudson River to the vicinity of Christopher Street in the Borough of Manhattan. The franchise was granted July 10, 1902, and provides for an annual payment to the City of a specified compensation, based upon the annual gross receipts from traffic within the City of New York, which was fixed and determined in advance to be \$300,000. The agreement is to continue for a period of twenty-five years from the commencement of operation.

On February 2, 1905, the same company in the same way obtained a franchise from the City of New York to construct an underground extension of its line under Sixth Avenue from Christopher Street to a terminus at 33rd Street, with stations between these points. By the terms of this latter franchise, the compensation to be paid the City was fixed for the first ten years of operation at \$9,000 per annum. The compensation for the next fifteen years, namely from February 25, 1918, to February 25, 1933, was left to be determined according to a method set forth in the franchise agreement. It is concerning the manner of interpreting and applying this agreement that the railway company and the City of New York are in disagreement. The provision of the franchise agreement, which is, the basis of the controversy, is all-important, and I therefore quote it at the outset of this memorandum:

"After the expiration of the said ten years the Tunnel Company, instead of the said sum of nine thousand dollars (\$9,000) per annum, shall pay to the City for the routes under the streets of the City hereinbefore granted, such a sum as shall be equal to five per cent. per annum on the estimated annual gross earnings of said extensions of its railroad for the period of years between the date of expiration of the said ten years and the date when the rentals payable under the above-mentioned franchise of July 10, 1902, shall next thereafter become subject to readjustment under the terms of said franchise. The estimated amount of the said gross earnings may be determined by an agreement in writing by the Tunnel Company and the Board. If the Tunnel Company and the Board shall not reach such agreement on or before the date one year before the expiration of such first ten year period, then and in that event the estimated amount of such gross earnings shall forthwith be determined by arbitration in the manner provided in Clause XI of this certificate. If, at the expiration of the first ten year period, the annual rate thereafter payable shall not have been fixed, the Tunnel Company shall pay the Nine thousand dollars (\$9,000) a year as above provided, until the new rate shall be determined, and shall make up to the City the amount of any excess of the annual rate then determined over the said nine thousand dollars (\$9,000)."

The extension referred to is that from Christopher Street to 33rd Street. The Company and the Board did not, on or before the date one year before the expiration of the ten-year period, agree upon an estimate of the annual gross earnings of the extension, nor has such amount been "forthwith determined by arbitration" in the manner prescribed. The Company has paid the City \$9,000 per year since, pending determination of the new rate.

In order to avoid the delay and expense of arbitration, an effort was made by the parties interested to arrive at a settlement by agreement. This effort consisted of the designation by the Transit Commission, as successor of the said Board, of a committee composed of members of its staff, which considered the questions involved, and after negotiation with the railroad company, recommended that the tax be fixed at \$50,000 per annum for the fifteen-year period referred to. This the railroad company, though reserving its rights, informally agreed to accept and to pay. The Corporation Counsel, on behalf of the City, objected to the amount as insufficient under the provisions of the franchise, and hearings were held by the undersigned for the Transit Commission, with a view to reconciling the divergent views or of determining the amount to be paid, and, if possible, of justifying such determination in a manner acceptable both to the City of New York and the Company.

The Company reserved its right to reject a determination of the Commission which might be unsatisfactory or unreasonable and to insist upon the arbitration provided for in the franchise agreement. As ordinary business judgment and policy dictate the determination and settlement of this controversy, with its attendant expense and uncertainty, it is believed that a basis of settlement should be reached. It is the purpose of this memorandum to indicate the proper basis of determination and, if possible, to support the same by reasons convincing to both sides.

The first point made by the City is that the words "gross earnings" mean "gross receipts" which in turn would mean "station receipts" plus other incidental receipts such as advertising receipts. This interpretation is urged because, if correct, it would result in an annual compensation to the City of \$94,000 a year instead of about \$50,000 a year, recommended by the Committee referred to. The interpretation of "gross earnings" as synonymous with "gross receipts" is based upon the argument that a committee of the Board of Rapid Transit Commissioners, which had under consideration the application for the first franchise from the centre of the Hudson River to Christopher Street, said:

"(a) Your Committee concluded therefore that in addition to the trackage charge, the present applicant might properly pay to the City for the first ten years, three per cent (3%) upon an estimate of its gross receipts from traffic within the City of New York and five per cent (5%) for the next fifteen years. The amount of such gross receipts is susceptible of rough estimate and the franchise fixes it at \$300,000 a year for the next twenty-five years, being one-half of the total estimated gross receipts of the company from all business both ways. The annual payment for the first ten years shall be \$9,000. For the next fifteen years the rate should be five per cent, making \$15,000."

The same Committee later reported to the Rapid Transit Board on December 15, 1904:

"Under the statute, the railroad company must pay the City a compensation to be adjusted at intervals of not more than twenty-five years. It is proposed that for the first ten years, the railroad company, for the extensions now to be authorized, shall pay 50 cents per foot of track and of station platform and shall also pay \$9,000 a year, being three per cent of the estimated gross earnings of \$300,000 a year. For the next fifteen years, it is proposed that the company shall pay one dollar per foot of track and station platform and five per cent upon the estimated gross receipts. Such estimate to be made at the expiration of the first ten years upon the basis of the information then available as to actual traffic returns."

It is to be noted that in one report the term used is "gross receipts" and in the other, both "gross receipts" and "gross earnings" are used. I believe it to be clear that the terms were used interchangeably, though they may mean different things. The proof of this is that both terms are used in reference to the first ten years where the amount of compensation was fixed and so must have been used to indicate the same thing. From this the City argues that it was the intent of the Rapid Transit Board to secure for the City as compensation for the underground use of streets, a percentage of the gross "receipts" of the extension, as distinguished from its gross "earnings," sometimes, though not always, a very different thing. The Corporation Counsel also cites in support of his contention, *People vs. Roberts*, 32, App. Div. 113, and *City of New York vs. 34th St.*, 137, App. Div. 644. These cases do not determine the question presented here.

It seems to me that the rights of the parties are to be determined by the franchise agreement, and if that agreement indicates clearly how the compensation to the City is to be measured, there is no legal justification for turning from it to speculate concerning the probability that something else was meant by one of the parties. In this connection, the first point to be made clear is whether as a matter of fact and of practical routine nomenclature the terms, "gross receipts" and "gross earnings" are synonymous. They are not, though they may be under conditions which can exist, but which do not exist in the case of this railroad. This may be indicated by assuming that the extension we have under consideration has no connection with any other line. All receipts are for service rendered by that line wholly within the City of New York and authorized by this franchise. Obviously, the total moneys received are properly called the "gross receipts." Obviously, they constitute as well the gross "earnings" of the company, because the company *earned* all of such gross receipts. Now change the assumed condition and give the road one or more connections with other roads, either owned by it or by some other company, with authority to sell transportation for through rides, in part over the line with which we are concerned and in part over one or more of the lines with which it has connections. In such a case all moneys taken in by the road would still properly be called "gross receipts," but upon what theory of common sense or word interpretation could they be called gross "earnings"? It is patent that some of the gross receipts under these conditions would have to be accounted for to the connecting line which earned them, and that the gross "earnings" of the company which collected the moneys should be measured by its gross receipts less such portion thereof as was not earned by it, but which was earned by the other line or lines carrying the passengers through to the destination for which they made payment to the collecting company.

The line from Christopher Street to 33rd Street is an extension of another line, which in turn has connections with another road. We are not concerned here with the compensation to be paid the City for use of the streets by the other line. That amount was long since fixed and determined. It cannot be modified now, either directly or indirectly, by any action growing out of this proceeding. We are therefore to determine the "gross earnings" of this extension from Christopher Street to 33rd Street with the knowledge that it has connections with another line for which it collects the share of gross receipts which must be allocated to that connecting line on the basis of the extent to which it earned its share. We must logically and legally consider this matter of gross "earnings" as if the extension referred to were operated by a company separate and distinct from the company operating the other line.

There exists further confirmation of the foregoing conclusion in the report made by the Contract Committee of the Rapid Transit Board, referred to in brief of the Corporation Counsel. As has been pointed out, the Corporation Counsel stresses the

importance of the fact that this Committee used the terms, "gross receipts" and "gross revenues," as if they were synonymous, and from that circumstance urges the conclusion that it was the intent of the agreement which the Board later made with the Company that the tax to be paid the City should be the specified percentage of all the receipts taken by the extension, irrespective of whether such receipts were in part for traffic outside or beyond the line of the extension. Reference, however, to this same report will show that while the Committee did so employ the terms mentioned, it was not the intention of the members of the Committee to advocate what the Corporation Counsel now urges. This is shown from the language used by the Committee in the same report, which is quoted:

"Your committee concluded, therefore, that in addition to the trackage charge the present applicant might properly pay to the City for the first ten years three per cent (3%) upon an estimate of its gross receipts *from traffic within the City of New York* and five per cent (5%) for the next fifteen years."

I repeat what has already been indicated in this memorandum, that the report of this Committee should not be permitted to vary the clear terms of the agreement subsequently entered into by the Rapid Transit Board and the railroad company. But even upon the hypothesis that the intent of the Committee which formulated the plan of assessment should be considered, the language just quoted would seem to make clear that it was the intent of such Committee to fix the tax *upon the traffic earned by the road* and not upon the gross traffic receipts. If the report making the above recommendation had left out the words, "from traffic within the City of New York," it would have indicated its intention to recommend a tax upon its total gross receipts. The following words, however, serve some purpose. They constitute a limitation of the term "gross receipts." They indicate that the recommendation was for a tax upon a certain kind of gross receipts, namely, gross receipts *from traffic within the City of New York*, and not, as the Corporation Counsel holds, upon gross receipts for all traffic everywhere for which such gross receipts were collected. But as I have said above, the obligation of the company in relation to the tax, is to be determined, not by reports and recommendations which led up to the making of the agreement, but by the specific terms and requirements of the agreement itself. This being true, we may consider the methods to be employed in determining "the estimated amount of gross earnings" (the words of the franchise agreement).

The franchise contract contemplated that the gross earnings for the fifteen-year period upon which the annual tax of 5% was to be made would be estimated and agreed upon one year before the expiration of the first ten-year period. As this was not done, it is obvious that in making such estimate now, that is, five years after the expiration of the ten-year period, we are in a position to know definitely rather than to have to forecast, the earnings of the first third of the fifteen-year period. It so happened that this span of five years covered the war and post-war period of inflation and activity, and that the traffic on this extension was actually greater than what a forecast of it would have been if made one year before the expiration of the ten-year period, or on February 25, 1917. It would seem to be idle to speculate as to what forecast would have been made in 1917, if the determination agreement provided for had been then carried out.

The testimony of Major Anderson, who was the Commission's principal witness, explaining the basis of the tentative agreement made with the company shows (Minutes, pp. 18, etc.) the manner in which the computation was made. The gross earnings were computed in the following manner. It was assumed that all ticket receipts of the extension covering traffic on that extension were earned by that extension. Gross receipts from advertising, the rental of telephone and news concessions, where the contracts for the same covered the entire system, were allocated to the extension upon the basis of its proportionate share. Car advertising was allotted to the extension on the basis of total receipts to passenger revenue of the extension. In the case of rental of booths at 33rd Street Station, the entire earnings were credited directly to the extension. In the case of interstate travel, the question was whether the earnings of the extension were represented by the actual money taken in at the extension stations on Sixth Avenue or whether the earnings should be on some other basis. The question may be indicated by the following:

A man enters the station at 33rd Street for the purpose of riding to Grove Street in New Jersey. He pays 10c. at the initial point. That amount becomes a part of the gross receipts of the uptown branch, but it is not all to be allocated to the

uptown branch because part of the sum is earned by the line which carries the passenger past Christopher Street, under the Hudson River, and on the railroad in New Jersey. The method recommended by Major Anderson was to take the entire gross receipts of the uptown system, commonly called "the uptown tubes," and the receipts both in New York and New Jersey, and then allocate those receipts to the several parts of the entire system in proportion to the service rendered by each of its elements. In the case of other service, there was allocated to this extension the portion of the total receipts in the ratio that the service rendered by the extension bore to the total service rendered. Of the passengers who boarded trains on this extension and bound for New Jersey, it was not known at what stations in New Jersey these passengers severally detrained. It was assumed, however, that of the total number who thus crossed the river, the same proportions as had daily bought tickets at the stations in New Jersey for the trip to New York would upon a return trip detrain in New Jersey at the same stations at which they had boarded the trains for the eastbound trip. As the number of passengers making the trip to New York from each of the stations in New Jersey was known, it followed that the length of the rides of interstate passengers from New York to points in New Jersey was known, and that in consequence an allocation of earnings upon the basis of mileage could be made with fair accuracy. As a result, it was found that the average trip per passenger could be computed, and as well the average trip per passenger within the limits of the extension. The gross receipts for the interstate traffic were allocated in the proportion of the average trip per passenger for the entire trip. For the extension, this was a fraction, amounting to eleven forty-firsts.

For the year ending June 30, 1920, the average westbound ride in *New York* was found to be 1.951 miles. The average trip of the same passenger in New Jersey was 2.154 miles, so that the average trip in that year, including distance traveled in both New York and New Jersey, was 4.105 miles. The reverse computation gave the same figures.

The question whether the traffic should be estimated as if the estimate were made as a forecast in February, 1917, or whether the records as to what the traffic had actually been since 1918, was considered, and it was decided to accept the traffic records. Between 1914 and 1918 the increase in gross receipts of this extension were very slight. They actually decreased for one year of that period, but after 1918, due to war conditions, all traffic increased rapidly, the percentage for 1919 being 29% and for 1920, 10½%, in each case over the preceding year. Major Anderson reported that his committee worked on the theory that it was the intent of the franchise agreement to estimate the annual gross earnings as close as possible to the actual earnings that would accrue during the 15-year period, and that nothing could be closer to the actual earnings than the record of those actual earnings.

In relation to the estimate of the increase of traffic which might be expected to occur throughout the entire fifteen-year period and which was a necessary part of determining the amount of the tax, the committee recommended the assumption of a 5% increase of revenue, compounded annually. This result is a figure which gives an average gross revenue of \$1,058,000 a year for the entire period. At 5%, this would result in an annual rental payment of \$52,900. In consideration of other factors which might adversely affect this otherwise expected development, the tax was recommended in the sum of \$50,000 per annum.

I believe this amount to be fair and just. I believe the computations of expected traffic made by the committee to be a reasonable forecast, and I recommend that the compensation to be paid to the City during the fifteen-year period be agreed upon in the sum of \$50,000 per annum. The practical outcome of the approval and acceptance of this determination will be that the amount of compensation to be paid the City will be increased from \$9,000 per year to \$50,000 per year; in other words, an increase of more than five times the amount of the tax paid during the first ten years of the term of the franchise. This would seem to be a very substantial return to the City for the use of the street sub-surface, which use does not involve, as in the case of street surface and elevated railways, occupation of the street surface with its unavoidable interference with street traffic.

The railroad company pays a special franchise tax, approximating \$200,000 per annum. This amount is paid in semi-annual installments, and when these payments are made the railroad company is given credit thereon for the amount paid by it quarterly as rental under the franchise agreement. The franchise tax in the case of this railroad has heretofore exceeded all the other charges authorized to be allowed

as credits, by at least the sum of \$100,000 per year. Since 1918 the railroad company has annually paid under this franchise agreement the old rate of compensation, namely, \$9,000 per annum, so that if the compensation is to be fixed at the rate of \$50,000 per annum, from February, 1918, the company would on this charge owe the difference between \$50,000 per annum and \$9,000 per annum, or \$41,000 per annum, for the period mentioned. The railroad company does not, however, actually owe the City of New York this amount because it paid its franchise tax during the period mentioned.

Accordingly, as part of the agreement recommended by the committee, the following was indicated as the most satisfactory method of discharging the mutual obligations of the City and the Company in relation to this excess:

That the excess which was not paid by the company for the period between February 26, 1918, and the date of the agreement, shall be discharged by semi-annual payments equal in amount to the net special franchise tax, payable by the company, which shall continue until the total amount of excess rentals agreed upon is completely paid.

Since that agreement was tentatively made, it has been pointed out that such arrangement might relieve the Company of the payment of compensation in the event of a repeal of the Special Franchise Tax Law or of a modification of it which might relieve this Company from payment of such a tax. The agreement tentatively entered into between the Company and the Committee representing the Transit Commission can be modified so as to make clear the obligation of the company to pay, in the installments provided for, the compensation of \$50,000 per year, even in the event that the Special Franchise Tax Law may be modified or repealed.

Subject to such modification, I recommend approval of the tentative agreement made between the Company and the Committee acting for the Transit Commission.

JOHN F. O'RYAN,
Commissioner.

The following resolution was adopted:

STATE OF NEW YORK
TRANSIT COMMISSION

IN THE MATTER
of the

Hearing on the form of the proposed agreement between The City of New York and Hudson and Manhattan Railroad Company, relative to the readjustment of rentals payable under the certificate dated February 2, 1905, granted by the Board of Rapid Transit Railroad Commissioners for the City of New York to New York and Jersey Railroad Company for certain rapid transit railroad extensions under certain streets and avenues in the Borough of Manhattan, City of New York.

RESOLUTION AFTER HEARING
R. T. 4040

Whereas, Pursuant to the requirements of Subdivision 3 of Clause IV of the certificate dated February 2, 1905, granted by the Board of Rapid Transit Railroad Commissioners under the provisions of Chapter 4 of the Laws of 1891, known as the Rapid Transit Act, to a predecessor of the Hudson & Manhattan Railroad Company for certain rapid transit railroad extensions, in part under and along Christopher Street and Sixth Avenue in the Borough of Manhattan, City of New York, the Transit Commission, acting for and on behalf of The City of New York, as successor to said Board of Rapid Transit Railroad Commissioners, and the Hudson and Manhattan Railroad Company, as successor to the original grantee of said certificate, have agreed upon the estimated amount of the annual gross earnings of such rapid transit railroad extensions for the period between the date of expiration of ten years after the beginning of the operation of any portion of said extensions and the date when the rentals payable under the prior certificate of July 10, 1902 shall next thereafter become subject to readjustment and have set forth their agreement in writing, which proposed agreement is predicated on recommendations made by the report dated December 27, 1921 of the Special Committee of this Commission to consider said matter; and

Whereas, Before executing said proposed agreement this Commission by order herein dated March 7, 1922, directed that a public hearing be held upon the proposed terms and conditions of said proposed agreement which public hearing was held pursuant to said order herein, on March 17, 1922, May 23, 1922 and January 31, 1923, on all which dates, held by and before the Hon. John F. O'Ryan, Commissioner, the Corporation Counsel of The City of New York appeared by Joseph A. Devery, Esq., the Hudson & Manhattan Railroad Company appeared by R. C. Goodale, Esq., its Counsel; and the Board of Estimate & Apportionment of The City of New York, appeared by Victor McLaughlin, Esq., and George O. Redington, its Counsel, appeared for the Transit Commission; and

Whereas, After giving full opportunity to all parties so appearing to present all documents and arguments with respect to the subject matter thereof, the said Hon. John F. O'Ryan, as Commissioner, has filed an opinion in which it is recommended that the said report dated December 27, 1921 of said Special Committee of this Commission be approved as made; and

Whereas, This Commission after due consideration and deliberation is of the opinion that said recommendations should be approved and adopted,

Resolved, That the said opinion, and recommendation of Hon. John F. O'Ryan, Commissioner herein, be and the same hereby are approved and adopted and that the recommendations of the Special Committee of this Commission made in its report dated December 27, 1921, be and the same hereby are approved and adopted.

326—Case 2673

Ocean Electric Railway Company—Application for Approval of Increase in Capital Stock—Report and Opinion by Acting Chief Executive Officer—Approval Order

The Secretary presented a report and opinion, dated March 5, 1923, by George L. Lucas, Acting Chief Executive Officer of the Commission, recommending that the application of the Ocean Electric Railway Company for authority to increase its capital stock be granted.

Thereupon the Commission adopted an Order in Case No. 2673, approving the unanimous consent of the stockholders of the Ocean Electric Railway Company, dated January 19, 1923, to increase the capital stock of said company from \$50,000 par value of common stock to \$315,000 and authorizing the Chairman and Secretary to indorse the approval of the Commission on said consent and authorizing the issue of \$315,000 par value capital stock of said company, the proceeds to be applied to the discharge or other lawful refunding of the company's obligations.

327—Case 2676

Stage Coach Corporations—Monthly and Quarterly Reports—Filing Order

The Secretary presented a report, dated March 13, 1923, by Harry S. Fischer, Statistician, and approved by Frederick Wilcock, Acting Chief, Bureau of Accounting & Valuations, and George L. Lucas, Acting Chief Executive Officer, recommending that stage coach corporations subject to the jurisdiction of the Commission be served with Orders requiring the monthly reports of operations and quarterly financial statements.

Thereupon the Commission adopted an Order in Case No. 2676, requiring every owner and operator of stage coaches and auto buses subject to the jurisdiction of the Commission to file with the Commission within five weeks after the close of each month of its operations on the form designated as "Monthly Report of Street Railways" (Serial Form R 48), and further requiring said carriers within six weeks after the

close of each quarterly period from April 1, 1923, to file a financial statement in accordance with Form R 50, and directing that the Fifth Avenue Coach Company shall submit its reports by stating the operating expenses of the company in accordance with the classification filed by the company with the Commission on or about July 15, 1914; and further directing that the Order take effect at once.

328—Case 2675

Lincoln C. Andrews, Receiver of New York & Queens County Railway Company and Brooklyn City Railroad Company—Application for Approval of Trackage Agreement—Approval Order Exempting Transfer Requirements

The Secretary presented a petition, dated March 12, 1923, of Lincoln C. Andrews, Receiver of New York & Queens County Railway Company for the approval of an agreement also presented therewith entered into with the Brooklyn City Railroad Company and providing for a track connection and installation of special work at the junction of Jackson Avenue and Junction Avenue so as to permit the operation of Jackson Avenue cars over the Brooklyn City Railroad tracks on Junction Avenue to Roosevelt Avenue and return, in the Borough of Queens.

The Secretary presented a blueprint showing the proposed installation and a certified copy of an Order dated March 2, 1923, of Mr. Justice Cropsey, at a Special Term of the Supreme Court, Queens County, empowering and authorizing the said Receiver to enter into said trackage agreement.

Thereupon the Commission adopted a resolution in Case No. 2675, approving the aforementioned trackage agreement and exempting the Receiver of the New York & Queens County Railway Company and Brooklyn City Railroad Company from the obligation to issue transfers or free exchange of passengers under subdivision 7 of Section 49 of the Public Service Commission Law.

329—R. T. 6413

Routes Nos. 35 and 67—Receipt from Department of Finance for Check in Sum of \$8,500.00 as Payment for Changes in Ventilating Chamber in Front of Premises at Nos. 119-127 West 41st Street—Filed

The following receipt was ordered filed:

March 2, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
AUDITOR OF RECEIPTS

Received from TRANSIT COMMISSION check for Eight thousand five hundred 00/100 Dollars (\$8,500.00) from Rudolph Wurlitzer & Company.

Particulars:

Estimated cost of construction, pursuant to an agreement dated Feb. 16, 1923, between Rudolph Wurlitzer & Company and The City of New York by the Transit Commission, of a subway ventilating chamber in front of premises Nos. 119-127 West 41st Street, New York.

To be deposited to the credit of account S915—Miscellaneous Receipts from the Transit Commission for work done by Contractors not included within the provisions of their contracts.

For Comptroller.
H. H. RATHYEN,
Auditor of Receipts.

330—R. T. 6424

Contract No. 4—Certified Copy of Resolution of Board of Estimate and Apportionment Amending Resolution of January 19, 1923, with Respect to Authorization of \$750,982.75—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 2, 1923, was ordered filed:

(Cal. No. 168)

Resolved, By the Board of Estimate and Apportionment that the resolution adopted on January 19, 1923, authorizing the issuance of seven hundred and fifty thousand nine hundred and eighty-two dollars and seventy-five cents (\$750,982.75) of rapid transit corporate stock "in addition to the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the supplementary general appropriations subsequently made thereto for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4," be amended to read, in lieu of the words after the figures \$750,982.75 on the fourth line from the bottom, *is to be provided by a subauthorization from the general appropriation of sixty million dollars (\$60,000,000), made by the Board of Estimate and Apportionment and the supplementary general appropriations subsequently made thereto from the City's debt-incurring power for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.*

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

331—R. T. 7590

Contract No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Furnishing and Erecting Structural Steel for Third Addition to Shops at Lenox Avenue and 148th Street Shop and Authorizing Appropriation of \$293,888—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 2, 1923, was ordered filed:

(Cal. No. 377)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated February 7, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with McClintic-Marshall Company for furnishing and erecting structural steel for third addition to shops, Lenox avenue and 148th street yard, Manhattan (under Contract No. 3), at an estimated cost of two hundred and ninety-three thousand eight hundred and eighty-eight dollars (\$293,888); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be two hundred and ninety-three thousand eight hundred and eighty-eight dollars (\$293,888); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding two hundred and ninety-three thousand eight hundred and eighty-eight dollars (\$293,888) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated March 10, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above-mentioned contract approved as to form, was also ordered filed.

332—R. T. 7635

Agreement "CE"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Changes in Subway Structures so as to Permit Widening of Certain Streets in Borough of Manhattan and Authorizing Appropriation of \$10,000—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 2, 1923, was ordered filed:

(Cal. No. 374)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated January 30, 1923, the Board of Estimate and Apportionment does hereby consent to the contract (Agreement "CE") with Benedetto and Saussez for the making of alterations in the Broadway-Fourth Avenue Rapid Transit structures at various locations to permit the widening of streets in the Borough of Manhattan at an estimated cost of ten thousand dollars (\$10,000); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; the cost thereof to be charged to the tax notes authorization in the sum of seventeen thousand four hundred and fifty dollars (\$17,450) made by the Board of Estimate and Apportionment on July 19, 1922 (Code NPM-60, President of the Borough of Manhattan—Alterations to manholes, cable feed pipes, vault lights and emergency exits in subway structures at certain locations interfered with by the widening of streets), and to be certified to the Department of Finance upon vouchers prepared by the Transit Commission and endorsed by the President of the Borough of Manhattan.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated March 10, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above-mentioned contract approved as to form, was also ordered filed.

333—R. T. 7011

Contract No. 4—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$6,500 for Maintenance Prior to Operation—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 2, 1923, was ordered filed:

(Cal. No. 378)

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended; the provisions of section 45 of the Greater New York Charter; and the requisition of the Transit Commission to this Board, dated February 7, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to and authorize an appropriation of six thousand five hundred dollars (\$6,500), in addition to the appropriations heretofore made, for the purpose of providing funds for the maintenance, prior to operation, of the rapid

transit railroads constructed under Contract No. 4 between the time of completion and the time when such railroads are taken over for operation by the lessee; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be six thousand five hundred dollars (\$6,500); and be it further.

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding six thousand five hundred dollars (\$6,500) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes aforesaid; said issue of corporate stock to be charged as a sub-authorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

334—R. T. 7520

Route No. 31—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Additional Appropriation of \$15,000 for Enclosure to Inspection Shed at Livonia Avenue Yard—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 2, 1923, was ordered filed:

(Cal. No. 375)

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended; the provisions of section 45 of the Greater New York Charter; and pursuant to the requisition of the Transit Commission to this Board, dated January 30, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to and authorize an appropriation of fifteen thousand dollars (\$15,000) for additional work under the contract with Rosenthal Engineering Contracting Company for the construction of inspection shed enclosure for the Eastern Parkway Rapid Transit Railroad, Route No. 31 (Livonia Avenue Yard); and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be fifteen thousand dollars (\$15,000); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding fifteen thousand dollars (\$15,000) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said additional work under said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

335—R. T. 7476

Agreement "BH"—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Additional Appropriation of \$1,979.50 for Miscellaneous Construction and Station Finish—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 2, 1923, was ordered filed:

(Cal. No. 376)

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended; the provisions of section 45 of the Greater New York Charter; and the requisition of the Transit Commission to this Board, dated January 30, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to and authorize an appropriation of one thousand nine hundred and seventy-nine dollars and fifty cents (\$1,979.50) to provide funds for final payment on contract with George Colon & Co. for the performance of miscellaneous construction and station finish work in municipal rapid transit railroads, (Agreement "BH") Groups I, II and III; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be one thousand nine hundred and seventy-nine dollars and fifty cents (\$1,979.50); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one thousand nine hundred and seventy-nine dollars and fifty cents (\$1,979.50) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes aforesaid; said issue of corporate stock to be charged to the extent of one thousand and four hundred and forty-seven dollars and fifty cents (\$1,447.50) as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriation subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3 and to the extent of five hundred and thirty-two dollars (\$532), to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1919, and the general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

336

Expenses—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$200,000 as Part of Expenses for Year Ending December 31, 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 2, 1923, was ordered filed:

(Cal. No. 379)

Resolved, That the Board of Estimate and Apportionment, in accordance with the requisition of the Transit Commission, dated December 7, 1922, and pursuant to the provisions of chapter 134 of the Laws of 1921, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby authorizes an appropriation in the sum of two hundred thousand dollars (\$200,000), in addition to the amount heretofore appropriated, to properly enable the Transit Commission to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by the said law; and the Comptroller is hereby authorized, pursuant to law and the said requisition of

the Transit Commission to issue special revenue bonds of The City of New York to an amount not exceeding two hundred thousand dollars (\$200,000), redeemable from the tax levy of the year next succeeding the year of their issue, the proceeds to be used for the purposes aforesaid.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

337—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Submitting List of Sub-Contracts Approved during Month of February, 1923—Filed

The following report by the Chief Engineer was ordered filed:

March 10, 1923.

To TRANSIT COMMISSION.

List of Sub-Contracts.

I submit, as follows, a list of sub-contracts, approved by this Department during the month of February.

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
18	239th St. Yard Installation of tracks (including furnishing part of track materials and construction of drainage system and concrete inspection pits).	Michael Del Balso	Flockhart Foundry Co.	2/10/23	Manhole heads and covers.
			Western Electric Co.	2/20/23	Electric conduits, pull boxes and outlet boxes.
			L. C. Harry Co.	2/24/23	Bolts, nuts, washers, etc.
26	Jackson Ave. Station Reconstruction.	Joslin Construction Co.	American 3-Way Luxfer Prism Co.	2/ 5/23	Vault lights.
33 Sec. 3	Completion of Lawrence St. Station.	Frederick L. Cranford, Inc.	Roofings, Inc. (Edw. S. Betts)	2/ 7/23	Asphalt.
			American Bridge Co.	2/21/23	Bevelled washers.
			L. C. Harry Co.	2/21/23	Belts.
			H. J. McCoy	2/21/23	Special washers.
			H. J. McCoy	2/28/23	Large by-pass pipe.
			Ballwood Co. and John S. Simons.	2/28/23	4" by-pass pipe.
Agreement	"CA"—Construction of Transformer Closets for Emergency Lighting, Borough of Manhattan.	B. T. & J. J. Mack	J. P. Kane Co.	2/28/23	T. C. inspected brick, hollow tile and cement.
			N. Ryan.	2/28/23	T. C. inspected sand through Manhattan Sand & Gravel Co.

ROBERT RIDGWAY,
Chief Engineer.

338

Lease—Proposed Lease for Third Floor of Premises at No. 60 Graham Avenue, Borough of Brooklyn—Approval Resolution

The following resolution was adopted:

Resolved, That the proposed lease between the State Bank, as landlord, and the Transit Commission, as tenant, leasing approximately 645 square feet on the third floor

of the premises located at No. 60 Graham Avenue, Brooklyn, at a monthly rental of \$40, to include heat, light and janitor service for a period of one year with the right of renewal for a further period of one year and upon the terms and conditions in said proposed lease contained, be and the same hereby is approved.

339

Employees' Resolution No. 132

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Paul Gourtoff, draftsman, at \$150.08 per month, to take effect March 16, 1923; Selig Kunofsky, draftsman, at \$150.08 per month, to take effect March 16, 1923; Theodore Regenstein, draftsman, at \$150.08 per month, to take effect March 13, 1923; Benjamin Silver, draftsman, at \$150.08 per month, to take effect March 12, 1923; Kopple Tennygold, mechanical engineer, at \$150.08 per month, to take effect March 17, 1923; Nathan Utkevitz, assistant chemist, at \$125.08 per month, to take effect March 8, 1923.

Appointments under Rule VIII:4—Jacob Drapkin, junior assistant, at \$125.08 per month, to take effect March 12, 1923; Oscar Mulford, junior assistant, at \$125.08 per month, to take effect March 15, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect March 6, 1923; Nathan B. Sparer, draftsman, at \$150.08 per month, to take effect March 7, 1923; Marius L. Spinelli, junior assistant, at \$125.08 per month, to take effect March 6, 1923; Emanuel Willing, junior assistant, at \$125.08 per month, to take effect March 6, 1923; Simon Weiner, draftsman, at \$150.08 per month, to take effect March 7, 1923.

Rescission of Transfer from State Commission of Highways—Theodore Regenstein, junior assistant, at \$125.08 per month, to take effect March 13, 1923.

Resignations—Clement Dudrey, engineering inspector, at \$150.08 per month, to take effect March 6, 1923; Henry Goldfinger, junior assistant, at \$125.08 per month, to take effect March 3, 1923; John J. Macaluso, junior assistant, at \$125.08 per month, to take effect March 10, 1923; H. W. Schulman, draftsman, at \$150.08 per month, to take effect March 14, 1923; Homer G. Shockley, junior assistant, at \$125.08 per month, to take effect February 27, 1923; John A. Voskamp, junior assistant, at \$125.08 per month, to take effect March 1, 1923.

Termination of Appointments under Rule VIII:4—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect March 21, 1923; Mervil Broadbent, engineering inspector, at \$150.08 per month, to take effect March 21, 1923; James W. Carew, engineering inspector, at \$150.08 per month, to take effect March 21, 1923; Thomas W. Carr, engineering inspector, at \$150.08 per month, to take effect March 21, 1923; Paul A. Gourtoff, draftsman, at \$150.08 per month, to take effect March 15, 1923; Selig Kunofsky, draftsman, at \$150.08 per month, to take effect March 15, 1923; William T. Lynch, junior assistant, at \$125.08 per month, to take effect March 7, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect March 21, 1923.

Laid Off for Lack of Work—William R. Barry, junior engineer, at \$180.08 per month, to take effect March 15, 1923; Clemens F. Holm, junior engineer, at \$180.00 per month, to take effect March 15, 1923; Harry R. Loring, junior engineer, at \$180.00 per month, to take effect March 15, 1923; Frank A. Nagorski, junior engineer, at \$180.00 per month, to take effect March 15, 1923; Martin Nelson, junior assistant, at \$152.50 per month, to take effect March 15, 1923; Louis C. White, junior engineer, at \$180.00 per month, to take effect March 15, 1923; John C. White, junior engineer, at \$180.00 per month, to take effect March 15, 1923.

Promotions—Joseph Bunin, junior assistant to draftsman, from \$125.08 per month, to \$150.08 per month, to take effect February 21, 1923; Simon Kurtz, junior assistant to draftsman, from \$137.50 per month, to \$150.08 per month, to take effect February 21, 1923; Maxwell Schantz, junior assistant to draftsman, from \$137.50 per month, to \$150.08 per month, to take effect February 21, 1923.

Change of Item in Resolution of February 27, 1923, Concerning John Lyons, so as to read as follows: (Appointment)—John Lyons, junior assistant, at \$125.08 per month, to take effect March 6, 1923.

Voucher Schedule No. 11

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of The State of New York, as the vouchers may direct:

Voucher Nos. 237-273, open market orders, \$1,710.47; Vouchers Nos. 128-139, miscellaneous bills, \$1,874.57; Vouchers Nos. 4-6, Special Payroll, \$19,500.47; Vouchers Nos. 41-51, City Payrolls, \$85,222.24; Vouchers No. CM-5, State payroll, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 62; Charles J. Adams & Son, Inc., approximate estimate No. 8 for the construction of an entrance to Borough Hall station through Isle of Safety, Agreement "AZ" (R. T. 7466), \$664.64;

Voucher No. 63; Frederick L. Cranford, Inc., approximate estimate No. 8 for the reconstruction of a part of Section No. 3 of Route No. 33, completion of Lawrence St. station from February 1, 1923, to February 28, 1923 (R. T. 6754), \$14,379.77;

Voucher No. 64; Slattery Engineering & Construction Co., Inc., approximate estimate No. 4 for the construction of additional approach track to the Lenox Avenue and 148th Street Yard, under Contract No. 3, from February 1, 1923, to February 28, 1923 (R. T. 7366), \$12,762.49;

Voucher No. 65; George Colon & Co.; approximate estimate No. 9 for the construction of Union Square Passageway connection station, Routes Nos. 5 and 8, from February 1, 1923, to February 28, 1923 (R. T. 7513), \$652.38;

Voucher No. 66; Powers-Kennedy Contracting Corporation; approximate estimate No. 9 for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Routes Nos. 35 and 67, from February 1, 1923, to February 28, 1923 (R. T. 7584), \$50,010.22;

Voucher No. 67; Joslin Construction Co., Inc., approximate estimate No. 7 for the reconstruction of a part of the Queensboro Subway Rapid Transit Railroad, Route No. 26, from February 1, 1923, to February 28, 1923 (R. T. 7556), \$3,734.90;

Voucher No. 68; Rosenthal Engineering Contracting Co., Inc., approximate estimate No. 11 for the construction of Inspection Shed Enclosure at Livonia Avenue Yard, Route No. 31, from February 1, 1923, to February 28, 1923 (R. T. 7520), \$7,830.05;

Voucher No. 69; George Colon & Co., approximate estimate No. 5 for miscellaneous construction and station finish work, Agreement "BH," Groups I, II and III, from December 24, 1922, to March 1, 1923 (R. T. 7476), \$1,920.15;

Voucher No. 70; John C. Orr Company, approximate estimate No. 23, for storing, insuring and transporting ties and timber for the rapid transit railroads from January 1, 1923, to January 31, 1923 (R. T. 6881), \$118.72;

Voucher No. 71; Holbrook, Cabot & Rollins Corporation; approximate estimate No. 9 for the construction of a new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad from February 1, 1923, to February 28, 1923 (R. T. 6114), \$5,207.10;

Voucher No. 72; M. I. Sachs, estimate No. 1 and Final for curbing, sidewalk replacing and repairing north side of Fulton Street between Flatbush Avenue Extension and Hudson Avenue, Borough of Brooklyn, to December 23, 1923 (R. T. 7544), \$2,970.50.

Upon motion duly seconded and adopted the meeting was adjourned to Thursday, March 15, 1923.

JAMES B. WALKER,

Secretary.

Proceedings for Wednesday, March 14, 1923

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Hearing

The following hearing was held:

2:30 P. M.; Case No. 2674; Brooklyn Eastern District Terminal; application for approval of proceedings to condemn real property located at No. 80 Kent Avenue, Brooklyn. George O. Redington, Counsel, presided. Adjourned to March 16, 1923 at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, March 15, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

343—Case 2627

Interborough Rapid Transit Company—Service and Equipment—Order Modifying Order of July 6, 1922, Approving Interborough Equipment Trust Series "A"

The Secretary presented a communication, dated March 13, 1923, from Frank Hedley, President and General Manager of the Interborough Rapid Transit Company, reading as follows:

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Gentlemen:

A situation has developed with respect to the disposition of \$800,000 principal amount of Interborough Rapid Transit Company Equipment Trust Certificates, Series A, approved by your order in Case No. 2627 entered on July 6, 1922, which seems to make an amendment of that order fitting and appropriate at this time. By the terms of the order as entered the Commission's approval was upon the condition, among others, that the entire \$1,400,000 principal amount of these Equipment Trust Certificates should be issued for a consideration equal to the par value thereof, and further that no charges in connection with the disposition of such certificates, other than expenses, should be added to the cost of acquiring the 100 steel trailer cars for which the certificates were issued. These conditions in the order correctly reflected the intent of the interested parties at the time the petition was filed.

The subsequent consummation of the Interborough-Manhattan Readjustment Plan, requiring as it does very large cash payments by this Company in November next to redeem the scrip issued for the arrears of Manhattan Railway Company rentals, and to pay arrears of Manhattan taxes, to an aggregate amount in excess of \$4,000,000, makes it essential that the Company's credit position with its deposit banks be maintained unimpaired. The placing of \$800,000 principal amount of the Equipment Trust Certificates with those banks at par, as originally contemplated, to just exactly that extent would limit the Company's ability to borrow additional cash in the Fall when our needs will be acute.

In view of this situation and in the exercise of sound business discretion, it seems highly desirable to our Board of Directors that the \$800,000 principal amount of these Equipment Trust Certificates (the portion of the total issue not taken by the Pullman

[March 15, 1923

Company) should be disposed of to the investing public on the best terms obtainable. We have been informed by responsible bankers that the \$800,000 principal amount of the certificates can be so placed at a price which would net the Company 97% of par, and we believe that that is the best price obtainable for their disposition in that manner.

The Company therefore respectfully applies for an amendment of your order made in Case No. 2627 on July 6, 1922, so as to permit the issuance and disposition of the Equipment Trust Certificates for a consideration equal to not less than 97% of the par value thereof, and to permit the inclusion of discount in the cost of the 100 steel trailer cars.

Very truly yours,

FRANK HEDLEY,

President and General Manager.

Thereupon the Commission adopted an Order in Case No. 2627, in the following form:

At a meeting of the Transit Commission held at its office, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 15th day of March, 1923.

Present:

GEORGE McANENY,
Chairman

LEROY T. HARKNESS,
JOHN F. O'RYAN.

COMMISSIONERS.

IN THE MATTER

of the

Hearing on the motion of the Commission upon the regulations, practice, equipment, appliances and service of the Interborough Rapid Transit Company.

CASE No. 2627
SERVICE ORDER "B"

ORDER MODIFYING ORDER OF
JULY 6, 1922, APPROVING
INTERBOROUGH EQUIPMENT
TRUST SERIES "A"

Whereas, By written application dated March 13, 1923, the Interborough Rapid Transit Company has represented that for the reasons in said application set forth, its Board of Directors has determined, subject to the Commission's approval, to issue and dispose of certain of its Equipment Trust Certificates Series "A," at a price less than the par value thereof, to wit: 97%, and requests a modification of the order heretofore entered herein, on July 6, 1922, to permit the issuance and sale of certain of such certificates upon the terms specified in such application; and

Whereas, The reasons set forth in said application are satisfactory to the Commission; it is

Ordered, That the order heretofore entered herein on the 6th day of July, 1922, be and the same hereby is amended and modified so as to make the same read as follows:

Whereas, The Transit Commission on May 2, 1922 adopted and served a final order herein directing Interborough Rapid Transit Company to order, equip and have ready for operation as more particularly set forth in said Order, 350 steel cars for use in the operation of the Railroad and Existing Railroads described in a certain contract dated March 19, 1913, entered into, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company for the construction, equipment, maintenance and operation thereof, which contract is known and hereinafter referred to as Contract No. 3, which order was duly accepted in writing by said Interborough Rapid Transit Company on May 3, 1922; and

Whereas, By petition dated and verified the 23rd day of June, 1922, as modified by said application dated March 13, 1923, said Interborough Rapid Transit Company has requested this Commission to approve of:

(a) the purchase of 100 steel trailer cars complete as set forth in a certain proposed Equipment Lease and Agreement comprising the "Interborough Equipment Trust, Series 'A'" as Additional Equipment in accordance with the provisions of and as is more particularly defined in said Contract No. 3; and

(b) the issuance and sale by said petitioner of the principal amount of the sum of \$1,400,000 of six per cent. (6%) equipment trust certificates of which \$600,000 principal amount of said certificates are to be sold at not less than the par value thereof and \$800,000 principal amount of said certificates are to be sold

at not less than 97% of the par value thereof, the proceeds of which certificates are to be used by said petitioner to pay in part the cost of said 100 steel trailer cars complete; and

(c) the execution by said petitioner of instruments creating such equipment trust in form as annexed to said petition;

and

Whereas, After due deliberation and consideration it is now the opinion of this Commission that the money to be procured by the issuance of said equipment trust certificates is necessary to and reasonably required by said Interborough Rapid Transit Company for the purpose of permitting it to comply with the said order issued by this Commission on May 2, 1922 as aforesaid:

Ordered, That the Transit Commission does hereby approve of the purchase by said Interborough Rapid Transit Company of 100 steel trailer cars as outlined in its petition and application aforesaid as "Additional Equipment" in accordance with the provisions of Contract No. 3, subject, however, to the following conditions:

1. That the rentals payable by the Interborough Rapid Transit Company under said Equipment Lease and Agreement shall for the purposes of accounting under said Contract No. 3 be divided and paid as follows:

a. Capital payments being the cost as defined in subdivision 18 of Article II of Contract No. 3 shall be paid by the Interborough Rapid Transit Company out of its own resources realized from the stipulated contractual deduction from Revenue in accordance with Subdivision (6) of Article XLIX of said Contract No. 3.

b. Revenue deductions, including interest payments accruing on any of the said 100 trailer cars complete after the placing in operation of the same shall be paid from the stipulated contractual deduction from Revenue in accordance with Subdivision (8) of Article XLIX of said Contract No. 3.

c. That no part of the three per cent. (3%) discount, or interest thereon, incurred by the sale of \$800,000 of the said \$1,400,000 of said certificates at not less than 97% of the par value thereof shall be charged to either a Capital or Revenue account under said Contract No. 3.

2. That no charges other than expenses which may be properly included in the actual and necessary net Cost of Equipment as defined in Contract No. 3 as if actually provided by said Interborough Rapid Transit Company, shall be added to the cost of acquiring said 100 steel trailer cars.

3. That the Interborough Rapid Transit Company will upon written direction by the Commission, or its successors, so to do, request the Trustee in accordance with the said Equipment Lease and Agreement forming part of said petition aforesaid to invest the deposits made with said Trustee in bonds or notes of The City of New York or in certificates of indebtedness of the United States.

4. That full depreciation allowance on said 100 trailer cars complete shall be paid by the Interborough Rapid Transit Company from Revenue from the agreed contractual deduction as provided for in Subdivision (5) of Article XLIX of said Contract No. 3.

Further Ordered, That Interborough Rapid Transit Company be and it is hereby authorized to enter into and to execute the agreement constituting the said equipment trust and the equipment lease provided for therein, and thereby to assume and discharge the obligations on its part created by said instruments, including payment of sums sufficient to pay the face amount of and the dividends upon the equipment trust certificates provided to be issued by the Trustee under said trust agreement for an aggregate face amount not exceeding \$1,400,000, of which certificates one-fifth of such face amount, or \$280,000, shall mature each year during the period of five years from and after the date of such certificates, and on all of which certificates there shall be payable dividends at the rate of six per cent. (6%) per annum until the respective maturities, payable semi-annually, all as set forth and provided in the said agreement and equipment lease made part of said petition.

Further Ordered, That the issuance of said equipment trust certificates is authorized and consented to upon the conditions following and not otherwise, to wit:

(a) that \$600,000 principal amount of the said \$1,400,000 of said certificates shall be issued for a consideration equal to the par value thereof and \$800,000 principal amount of the said \$1,400,000 of said certificates shall be issued for a consideration equal to not less than 97% of the par value thereof and that the Interborough Rapid Transit Company shall cause the said certificates and the

proceeds thereof to be applied only for and to the purposes set forth in the above mentioned petition and the proposed equipment lease and agreement creating the said Equipment Trust, Series "A," and so that by the use of such certificates or the proceeds thereof there shall be paid for and discharged as set forth in the proposed Equipment Trust instruments, an amount of the cost of construction of the cars in said instruments described equal to not less than 97% of the par value of \$800,000 principal amount of the said \$1,400,000 of certificates, and to the par value of \$600,000 principal amount of the said \$1,400,000 of certificates.

(b) that the said Interborough Rapid Transit Company shall keep separate, true and accurate accounts showing in detail, the proceeds of the sale and disposal of the said equipment trust certificates hereby authorized to be issued, and on or before the 15th day of each month the said Interborough Rapid Transit Company shall make verified reports to this Commission stating the sale or sales of said certificates during the previous month, the moneys realized therefrom and the use and application of such moneys, stating further the source and the use and application of any other moneys paid under the said equipment trust agreement and lease; and said accounts, the vouchers and the records shall be open to audit and may be audited from time to time by accountants and examiners designated for such purpose by the Commission.

(c) that the approval herein given for the issuance of said agreement trust certificates is without prejudice to any contentions or arguments which the City of New York or the Transit Commission or either of them may have or desire to make at any time with respect to the proper construction of and the force and effect of any of the terms, provisions and conditions of said Contract No. 3 and is also without prejudice to any claims which the City of New York may desire to assert that the Interborough Rapid Transit Company under said Contract No. 3 is at the present time in default thereunder.

(d) that nothing contained in this approval shall amend or modify or be deemed to amend or modify said Contract No. 3 or to relieve the Interborough Rapid Transit Company thereunder of the performance of the obligations of said contract in accordance with its terms.

(e) that nothing herein in this order contained shall prejudice any right otherwise possessed by The City of New York or the Transit Commission to object to any expenditure of proceeds of certificates hereby authorized or any expenditure in connection with the equipment trust agreement and lease, the propriety or correctness of which expenditure may be presented for determination pursuant to Contract No. 3 or to investigate further and to question and reject as a claim, credit or charge under said Contract No. 3 any expenditure in connection with the sale of or made out of the proceeds of such certificates or any expenditure in connection with the equipment trust agreement and lease or any part thereof, even though claimed by the Interborough Rapid Transit Company to be made for the purposes specified in this order or in the proposed agreement and equipment lease creating the Interborough Equipment Trust, Series "A."

(f) the consent herein contained is given upon the further express condition that such consent shall take effect if and when and only when consent to said agreement and equipment lease creating the Interborough Equipment Trust, Series "A," shall be given, duly executed and acknowledged in form to be approved by Counsel to this Commission, by the sureties upon the continuing bond deposited by said Interborough Rapid Transit Company in accordance with the provisions of Article XVII of said Contract No. 3.

(g) Nothing in this order or in the said petition and equipment lease and agreement contained or in the action of the Commission in adopting this order shall be understood or construed to mean or provide for the extension of any period of time in Contract No. 3 for any purpose whatsoever notwithstanding that said equipment trust certificates herein authorized are not to mature for a period of five (5) years.

(h) the Interborough Rapid Transit Company shall require the submission to this Commission for approval of any contract or agreement entered into by Rapid Transit Subway Construction Company to the same extent that the Interborough Rapid Transit Company is required to submit contracts and agreements under Contract No. 3.

Further Ordered, That the Interborough Rapid Transit Company shall notify the

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Transit Commission within five (5) days after service upon it of a copy of this order whether the terms of this order are accepted and will be obeyed.

TRANSIT COMMISSION,
By JAMES B. WALKER,
Secretary.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, March 16, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

344—R. T. 7638

**Order No. 22—Receipt of Bids for Supply of Special Work and Track Fittings—
Referred to Chief Engineer**

Commissioner Harkness stated that the time within which to receive bids for the supply of special work, frogs, switches and track fittings for use in the construction of various parts of the Rapid Transit Railroad, Order No. 22, had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received.

The Secretary presented the proper affidavits of publication and opened the box and read the four bids received.

The bids were then referred to the Chief Engineer.

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Hearing

The following hearing was held:

2:30 P. M.; Case No. 2674; Brooklyn Eastern District Terminal; application for approval of proceedings to condemn real property located at No. 80 Kent Avenue, Brooklyn. George O. Redington, Counsel, presided. Adjourned to March 23, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, March 19, 1923

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T. C. Investigation No. 1

Hearing

10:30 A. M.; Examination under Order of November 1, 1921, into general condition of all railroads, street railroads, stage or omnibus lines or routes and all persons and corporations within its jurisdiction. (Valuation—Richmond Light & Railroad Com-

pany.) James B. Walker, Secretary, presided. Adjourned to March 21, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, March 20, 1923

Present: George McAneny, Chairman, LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

347.

The Minutes of the Proceedings for the month of December, 1922, were approved.

348—R. T. 7457

Route No. 18, Section No. 1—Report by Chief Engineer Recommending Approval of Schedule Item for Painting Exposed Steel under Contract for Enclosure to Inspection Shed at 180th Street Yard—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated March 12, 1923, recommending that a request be made to the Board of Estimate and Apportionment for consent to the establishment of a schedule item price of 6½ cents per square foot for painting exposed steel under the contract for the construction of an enclosure to the inspection shed at the 180th Street Yard.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission, by communication dated March 12, 1923, reported with respect to the work under the contract with The City of New York, acting by this Commission, and Rosenthal Engineering Contracting Co., Inc., for the construction of the inspection shed enclosure for the White Plains Road Rapid Transit Railroad, Route No. 18, (180th Street Yard), as follows:

“Section 210 of the contract for the construction of the Inspection Shed Enclosure at the 180th Street Yard provides that all exposed structural steel erected under other contracts and which has already been painted a shop coat and second coat shall be painted one coat of “K-1”. No provision was made, however, in the contract for paying for this painting. The Rosenthal Engineering & Contracting Company, Contractor for the construction of the shed, has submitted a price of 6½c. per square foot for painting the steel work referred to above. This price has been investigated and has been found to be reasonable.

The total quantity of steel to be painted is approximately 92,000 square feet which, at 6½c. per square foot, will amount to \$5,980. This amount exceeds the \$5,000.00 which the third paragraph of Item 150 states shall not be exceeded for any single order of work or materials unless the approval is obtained of the Board of Estimate and Apportionment to such lump sum price or unit prices. It is not anticipated at this time that the cost of this painting will necessitate any additional appropriation.

Recommendation: I recommend that the Board of Estimate and Apportionment be requested to approve the adoption of 6½c per square foot for the painting of exposed steel referred to above and that upon the consent of the Board, the Commission approve the supplementary schedule item price attached hereto.”

; and

Whereas, Counsel has prepared and submitted a proposed application upon the Board of Estimate and Apportionment, which will effect the recommendation of the Chief Engineer aforesaid.

Resolved, That said report and recommendation be and the same hereby is approved and that the requisition so submitted be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment of the City of New York.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

March 20, 1923.

Gentlemen:

By resolution adopted on June 9, 1922 (Cal. No. 311) your Honorable Board consented to the proposed contract between The City of New York, acting by the Transit Commission, and Rosenthal Engineering Contracting Co., Inc., for the construction of the inspection shed enclosure for the White Plains Road Rapid Transit Railroad, Route No. 18, (180th Street Yard), and appropriated for the purposes of meeting the obligations of the City under said proposed contract the sum of Two hundred sixty-seven thousand seven hundred seventy-eight dollars and eighty-five cents (\$267,778.85), making the same a subauthorization against the general appropriation made for the purposes of carrying out the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3.

The Chief Engineer of this Commission has, under date of March 12, 1923, reported and recommended with respect to certain portions of the work under said contract, as follows:

"Section 210 of the contract for the construction of the Inspection Shed Enclosure at the 180th Street Yard provides that all exposed structural steel erected under other contracts and which has already been painted a shop coat and second coat shall be painted one coat of "K-1". No provision was made, however, in the contract for paying for this painting. The Rosenthal Engineering & Contracting Company, Contractor for the construction of the shed, has submitted a price of 6½c. per square foot for painting the steel work referred to above. This price has been investigated and has been found to be reasonable.

The total quantity of steel to be painted is approximately 92,000 square feet which, at 6½c. per square foot, will amount to \$5,980. This amount exceeds the \$5,000.00 which the third paragraph of Item 150 states shall not be exceeded for any single order of work or materials unless the approval is obtained of the Board of Estimate and Apportionment to such lump sum price or unit prices. It is not anticipated at this time that the cost of this painting will necessitate any additional appropriation.

Recommendation: I recommend that the Board of Estimate and Apportionment be requested to approve the adoption of 6½c. per square foot for the painting of exposed steel referred to above and that upon the consent of the Board, the Commission approve the supplementary schedule item price attached hereto."

Said contract which is dated June 26, 1922 provides in the third paragraph of Item 150 thereof as follows:

"Instead of the method above described in this Item for paying for any such work or materials to be paid for under this Item, the Engineer may, but only with the approval of the Commission, agree with the Contractor upon reasonable unit prices or a reasonable lump sum price for such work or materials. Such additional unit prices or such lump sum price shall be embodied in a supplemental schedule. The total amount to be paid for any work and materials under such unit prices or lump sum prices as provided in this paragraph shall not, except with the further consent or approval of the Board of Estimate and Apportionment, exceed five per centum (5%) of the total estimated contract cost on which the contract award was made, but the total amount to be expended under this contract for all purposes, including those contemplated by this Item, shall not exceed the amount set aside, authorized and appropriated by the Board

of Estimate and Apportionment for the execution thereof. In the case of any single order of work or materials, or both, for a particular job or purpose where the lump sum price for such order to be agreed upon under the provisions of this paragraph or the estimated cost of such order according to the unit prices therefor to be agreed upon under the provisions of this paragraph shall exceed five thousand dollars (\$5,000), such agreement shall not be binding upon the City until the Board of Estimate and Apportionment shall approve or consent to such agreement or such lump sum price or such unit prices."

Inasmuch as the estimated cost of the work for which the said supplemental schedule item is to be established will amount to a sum in excess of the limitation set forth in the quoted portion of said Item 150, the consent of your Honorable Board to the establishment of such supplemental schedule item is necessary.

Your Honorable Board is accordingly requested to consent to the establishment of this Commission pursuant to the provisions of said Item 150 of said contract for the purpose set forth in the Chief Engineer's report of the following supplemental schedule item:

"Item No. 561-B—For painting with one coat of "K-1" the exposed structural steel work erected under other contracts and which has already been painted a shop coat and second coat, the price of 6½c. per square foot."

TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

349—R. T. 6892

Route No. 8, Section No. 2—Resolution Approving Surety upon Bond in Sum of \$10,000 as Continuing Security for Unsatisfied Claims—Adopted

The following resolution was adopted:

Resolved, That the Massachusetts Bonding and Insurance Company be and hereby is approved as surety upon the bond in the sum of ten thousand (\$10,000) dollars, deposited by Patrick McGovern, Inc., as continuing security against any claims unsatisfied or not presented for a time not exceeding the time when such claims would be legally barred in accordance with Article XLVIII of the contract for the completion of construction of Section No. 2 of Route No. 8 of the Fourteenth Street-Eastern Line.

350—R. T. 6559

Route No. 33, Section No. 3—Report by Chief Engineer Recommending Release of \$2,000 Security Deposited by Contractor for Repairing Leaks—Approval Resolution

A report was presented from the Chief Engineer dated March 17, 1923, recommending that a request be made to the Comptroller of The City of New York to release the \$2,000 security deposited by Booth & Flinn, Ltd., and retained by the City as security for repairing leaks on Section No. 3 of Route No. 33.

The following resolution was adopted:

Whereas, Pursuant to the contract dated October 4, 1919 between The City of New York, acting by the Public Service Commission for the First District, and Booth & Flinn, Ltd., as assignee, for the construction of that portion of the municipal rapid transit railroad, known as Section No. 3 of Route No. 33, this Commission, by resolution adopted August 30, 1921, required said contractor, as a condition precedent to the making of the final payment, to deposit with the Comptroller of the City of New York security in the sum of \$2,000, to be retained for a period of six months to cover the contractor's responsibility in making good defects which may develop in the watertight concrete required by Section 170 of the Specifications of said contract; and

Whereas, By communication dated March 17, 1923 the Chief Engineer of this Commission has, for the reasons therein more particularly set forth, recommended that "the Comptroller be informed that it is proper to release the \$2,000 held as security for repairing the leaks on Section No. 3, Route No. 33",

Resolved, That said report and recommendation be and the same hereby is approved and that a certified copy of this resolution be transmitted to the Comptroller of the City of New York with a request that the said \$2,000 be now returned to said contractor.

351—R. T. 7011

Route No. 8—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval of Purchasing Agent's Order for Motor Driven Pumping Unit for Drainage in Fourteenth Street-Eastern Line—Approved

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 9, 1923, recommending that an order be placed on Goulds Manufacturing Company, No. 18 Warren Street, for all labor and materials necessary to provide a motor driven pumping unit on a base complete ready to run except for a motor at a cost of \$100 so as to provide drainage in the Fourteenth Street-Eastern Line, the cost of such apparatus to be charged to Maintenance of Contract No. 4 lines prior to Operation.

The matter was referred to the Chief Clerk for the issuance of a purchasing agent's order.

352—R. T. 6080

Route No. 5, Section No. 15—Report by Real Estate Clerk Recommending Acceptance of Bid of Peter Schneider for Rental of Property at Southwesterly Corner of East 157th Street and Gerard Avenue, Borough of The Bronx—Approval Resolution

A report was presented from the Real Estate Clerk dated March 19, 1923, recommending the acceptance of the bid of Peter Schneider for the rental of the premises at the southwesterly corner of East 157th Street and Gerard Avenue, Borough of The Bronx, at a rental of \$400.00 per month, beginning April 16, 1923.

The following resolution was adopted:

Whereas, By resolution of the Commission, dated March 6, 1923, the informal bids received for temporary occupancy of the premises at the southwesterly corner of East 157th Street and Gerard Avenue, Borough of The Bronx, were rejected and the Real Estate Clerk was instructed to receive new bids; and

Whereas, The Real Estate Clerk, after advertisement in the City Record, at 11:00 A. M. on March 19, 1923, received oral bids for the concession; and

Whereas, The Real Estate Clerk under date of March 19, 1923, has reported that in competitive oral bidding Mr. Peter Schneider of No. 371 East 165th Street, Borough of The Bronx, bid \$400.00, the highest bid, per month rental for the said premises, such rental to begin April 16, 1923, and did duly sign an application for permission to occupy the said premises and did deposit the sum of \$800.00, of which \$400.00 is payment for rental for the first month of occupancy and \$400.00 is payment for rental for the last month of occupancy, such application demising the premises for an initial period of six (6) months beginning April 16, 1923, and ending October 15, 1923, and containing other usual provisions covering similar concessions, including the obligation to vacate on fifteen (15) days' notice after the expiration of said initial period, recommending that said application be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application of the said Peter Schneider, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application.

353—R. T. 7224, 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Award of Contract for Construction of Foundations and Super-Structure for Substation No. 27—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated March 3, 1923, requesting approval to the award of a proposed contract to James A. Henderson for the construction of the foundations and super-structure, exclusive of structure metal work of substation No. 27, at the lump sum price of \$53,749.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 10, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs on March 15, 1923, recommending that the work be classified as Equipment of the Railroad.

The following resolution was adopted:

Whereas, By resolution adopted March 6, 1923 this Commission approved the proposed form of contract, contractor's bond, contractor's proposal and specifications, together with the blueprints of the drawings referred to in the said specifications all for the construction of the foundations and super-structure (exclusive of structure metal work) of substation No. 27 of said Interborough Rapid Transit Company to be located on Roosevelt Avenue between 32nd and 33rd Streets in Elmhurst, Borough of Queens, New York, such substation to be constructed as a part of Equipment under and in pursuance of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated March 10, 1923 reported that prior to the adoption of said resolution on March 6, 1923 as aforesaid said Interborough Rapid Transit Company by communication dated March 3, 1923 requested the approval of this Commission to the award of said proposed contract so approved to James A. Henderson for the performance of the work thereunder at the lump sum price of \$53,749; that the following bids were received for such work:

James A. Henderson	\$53,749
Charles Money	59,555
John B. Roberts & Co.	61,490
Rosenthal Engineering Contracting Co.	66,955
Bainbridge Construction Co.	Declined
Edward Corning Co.	Declined

that the lowest bid so received is reasonable; that the lowest bidder has previously done similar work for Interborough Rapid Transit Company satisfactorily and recommend the approval of the application of said company to the award of said contract to the said James A. Henderson; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have by supplemental communication dated March 15, 1923 reported that the bids submitted as aforesaid were received prior to the adoption of the resolution approving the form of contract on March 6, 1923 which resolution required the Interborough Rapid Transit Company to advertise for bids and recommend that the bids so received be accepted as a compliance with such condition of said resolution; and

Whereas, The Auditor of Rapid Transit Costs has by endorsement dated March 13, 1923, recommended the approval of said application, the work to be classified as Equipment of the Railroad,

Resolved; That said reports and recommendations be and the same hereby are approved; that the application of Interborough Rapid Transit Company to award said proposed contract approved as aforesaid to James A. Henderson for the lump sum of \$53,749 be and the same hereby is approved.

354—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Pipe Threading Dies, etc., in Connection with Installation of Multiple Door Control on 396 High Voltage Subway Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated February 26, 1923, requesting approval of the proposed purchasing agent's order directed to the Federal Hardware Company for pipe threading dies and other material for use in connection with the installation of multiple door control equipment on 396 high voltage subway cars at a cost of \$6,718.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 9, 1923, stating that the price is reasonable and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs on March 13, 1923, recommending that the work be done as Additions to Existing Equipment under Work Order No. ICqA-1 heretofore assigned.

The following resolution was adopted:

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined, the proper classification of such work to be Additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated February 26, 1923, directed to Federal Hardware Company, as follows:

<i>Parts for D&H #4 Pipe Threading Machine</i>			
100 sets Dies, 1/4"	R.H. Adams type.	price: \$4.90 set.....	\$490.00
60 sets Dies, 1/2"	R.H. Adams type	4.90 set.....	294.00
60 sets Dies, 3/8"	R.H. Adams type	4.90 set.....	294.00
100 sets Dies, 3/4"	R.H. Adams type	4.90 set.....	490.00
30 sets Dies, 1/4"	L.H. Adams type	4.90 set.....	147.00
50 sets Dies, 3/8"	L.H. Adams type	4.90 set.....	245.00
50 sets Dies, 1/2"	L.H. Adams type	4.90 set.....	245.00
70 sets Dies, 3/4"	L.H. Adams type	4.90 set.....	343.00
<i>Parts for D&H #5 Pipe Threading Machine</i>			
150 sets Dies, 1/4"	R.H. Adams type.	price: \$6.95 set.....	1,042.50
40 sets Dies, 3/8"	R.H. Adams type	6.95 set.....	278.00
60 sets Dies, 1/2"	R.H. Adams type	6.95 set.....	417.00
60 sets Dies, 3/4"	R.H. Adams type	6.95 set.....	417.00
150 sets Dies, 1/4"	L.H. Adams type	6.95 set.....	1,042.50
40 sets Dies, 3/8"	L.H. Adams type	6.95 set.....	278.00
40 sets Dies, 1/2"	L.H. Adams type	6.95 set.....	278.00
60 sets Dies, 3/4"	L.H. Adams type	6.95 set.....	417.00

Total \$6,718.00

which purchasing agent's order has been caused to be designated as "Approval No. 456"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported the following bids were received for the performance of such work:

Federal Hardware Co.	\$6,718.00
Washington Hardware Company	6,774.00
Manning, Maxwell & Moore	6,852.00
Montgomery and Company	6,950.00
Neal and Brinker	7,004.00
A. P. Dienst and Company.....	Did not quote.
Fuller Hardware Company.....	Did not quote.

; that the material is necessary and the price is reasonable being the best obtainable for the material to be supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated January 10, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

355—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Doors to Be Installed on 100 New Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated February 27, 1923, requesting approval of a proposed purchasing agent's order directed to Morton Manufacturing Company for the manufacture and delivery of 300 steel doors to be installed on 100 new trailer cars at a cost of \$13,500.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 13, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated February 27, 1923, directed to Morton Manufacturing Company for the manufacture and delivery of the following:

- 100 R.H. Steel Doors, guide bars, hardware, but without escutcheon plate for motorman's arm rest, as per B/P 9636-A.
Price: \$45.00 each.
- 100 R.H. Steel Doors, guide bars, hardware with escutcheon plate for motorman's arm rest, as per B/P 9636-A.
Price: \$45.00 each.
- 100 L.H. Steel Doors, guide bars and hardware, as per B/P 9636-A, without escutcheon plate for motorman's arm rest.
Price: \$45.00 each.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 457"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated March 13, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

Morton Manufacturing Co. \$13,500.

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

356—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase of Motor Driven Bolt Cutter—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs Classifying Work and Assigning Work Order IBA-11—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated December 27, 1922, requesting the approval of the purchase of a triple motor driven Bolt Cutter for the reclaiming of damaged bolts, at an estimated cost of \$3,000.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer dated February 8, 1923, recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs, dated March 6, 1923, classifying the work as Additional Equipment of the Railroad and assigning Work Order No. IBA-11.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3 said Interborough Rapid Transit Company has by communication dated December 27, 1922 requested the approval of this Commission to the purchase of a triple motor driven bolt cutter for the reclaiming of damaged bolts, at an estimated cost of \$3,000; and

Whereas, By communication dated February 8, 1923 the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that such additional unit is necessary; that the estimated cost is not unreasonable and recommend the approval of said application; and

Whereas, The Auditor of Rapid Transit Costs by communication dated March 16, 1923 has recommended that the cost of the acquisition of such unit be classified as Additional Equipment of the Railroad and that Work Order No. IBA-11 be assigned thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that the application of Interborough Rapid Transit Company aforesaid for the purchase of said motor driven bolt cutter be and the same hereby is approved, the cost thereof to be classified as Additional Equipment of the Railroad and as to which unit this Commission assigns Work Order No. IBA-11.

357—R. T. 6418, 6761

Elevated Extension Certificate—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for One Motor Driven Screw Machine—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs Classifying Work and Assigning Work Order No. IEA-3—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated February 9, 1923, requesting approval to the issuance of a purchasing agent's order directed to Brown and Sharpe of N. Y., Inc. for a motor driven screw machine for the 98th Street Shop, at a cost of \$2,020.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 13, 1923, recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs dated March 16, 1923, classifying the work as Addition to Elevated Extensions, and assigning Work Order No. IEA-3.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the certificate dated March 19, 1913, granted to Interborough Rapid Transit Company by the Public Service Commission for the First District for certain Elevated Extensions said Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated February 9, 1923, directed to Brown and Sharpe of New York, Inc. for the following:

- 1 Machine, #2-F wire feed screw, standard set of tools, automatic feed for turret slide Feed tube to take feeding fingers for brass or other light work to 1" diameter. To be driven by single pulley, 10" diameter, 3½" belt from motor to pulley. Machine to be delivered with General Electric 3 H. P. type R. C. shunt wound motors, with upper half of commutator and enclosed, specially wound for 600 volts, direct current, with type C. R. 4033-C 2, enclosed automatic starter, having line switch and overload relay and with start and stop push button station, completely installed ready to operate.

Price: \$2,020.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 453"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated March 13, 1923, reported that the following bids were received for such work:

Brown and Sharpe of N. Y., Inc.....	\$2,020.00
Van Dyck Churchill Co.....	1,892.00
The Warner and Swasey Co.....	981.00
*Henry Prentiss and Co.....	944.00

that the machine built by Brown and Sharpe is considered superior to that of the others; that it has certain devices not included in the others; that it conforms to the standard of the company in this respect which permits of economy in operation and maintenance of the machine; that such machine is necessary because of the increasing amount of work required of such machines at the shop; that the cost is reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs has by communication dated March 16, 1923, recommended the approval of said proposed purchasing agent's order and that the cost thereunder be classified as Addition to Elevated Extensions and that Work Order No. IEA-3 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same

*Does not include price of motor.

hereby is approved and that the Chairman of this Commission be and hereby is authorized to execute the form of approval of this Commission made part of said proposed purchasing agent's order; that such unit be classified as Addition to Elevated Extensions and that Work Order No. IEA-3 be assigned thereto.

358—R. T. 6597

Elevated Extension Certificate—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for 200,000 Feet of Cable to Be Used in Connection with Installation of Automatic Turnstiles on Elevated Stations—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs Assigning Work Orders Nos. IEA-1 and IMA-1—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated January 31, 1923, requesting approval of a proposed purchasing agent's order directed to the Standard Underground Cable Company for furnishing 200,000 feet of cable for use in connection with the installation of automatic turnstiles on the Manhattan Elevated stations at a total cost of \$3,104.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 9, 1923, stating that the cost is reasonable and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs dated March 13, 1923, recommending that the work be done under work Orders Nos. IEA-1 and IMA-1 heretofore assigned.

The following resolution was adopted:

Whereas, By resolution adopted July 6, 1922 this Commission approved, pursuant to the provisions of the certificate dated March 19, 1913, granted to Interborough Rapid Transit Company for certain Extensions to the Existing Elevated Railroads, known as the Webster Avenue, Eighth Avenue and 162nd Street Connection, Queensboro Bridge Line and the West Farms Subway Connection, the installation of automatic prepayment turnstiles (of a character and design similar to the turnstiles installed in the subway portion of the lines of the Interborough Rapid Transit Company with the approval of this Commission) upon the stations of said Extensions, and by said resolution classified such work as Additions to the Railroads, as defined in said Elevated Extension Certificate, and to which work this Commission, in and by said resolution, assigned Work Order No. IEA-1; and

Whereas, Pursuant to said Elevated Extension Certificate aforesaid and to the provisions of a stipulation between The City of New York and said Interborough Rapid Transit Company dated March 9, 1923 with respect to the proper interpretation and meaning of the provisions of said Extension Certificate in particular relation to betterments, improvements or additions to the Existing Manhattan Railroads, this Commission approved of the installation of such automatic prepayment turnstiles upon stations of the Existing Manhattan Railroads and in and by said resolution classified such work as Additions to the Existing Manhattan Railroads and to which work this Commission, in and by said resolution, assigned Work Order No. IMA-1; and

Whereas, Pursuant to said authorizations contained in said resolutions said Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated January 31, 1923, directed to Standard Underground Cable Company for the following:

200,000 Ft. Cable, #13 single conductor insulated, as per Spec. 34-R,	
except that O. D. must not exceed .255".	Price: \$15.52 per
M. Ft.	\$3,104.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 459"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated February 9, 1923, reported that the following bids were taken for such material:

Standard Underground Cable Co.....	\$3,104.00
Okonite Co.	3,620.00

; that the award is to the lowest bidder which is competent to perform the work required; that such material is to be used in making third rail, switch, relay and other connections incidental to the installation of the said turnstiles authorized as aforesaid; that the cost is reasonable and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs has, by communication dated March 13, 1923, recommended that the said proposed purchasing agent's order be approved, the cost thereunder to be charged to the work order numbers assigned as aforesaid in the respective portions of the use of said material to be procured by said proposed purchasing agent's order,

Resolved, That said reports and recommendations be and the same hereby are approved; that pursuant to the said resolutions of July 6, 1922 and March 13, 1923 the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

359—R. T. 7427

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Contracts for Supply and Delivery of Coal for Period from February 1, 1923, to January 31, 1924—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated March 7, 1923, requesting approval of proposed contracts with the Consolidation Coal Company (Inc.), Logan Coal Company and Berwin-White Coal Mining Company for the supply and delivery of bituminous coal during the period from February 1, 1923, to January 31, 1924, at a price of \$7.50 per gross ton, alongside the Company's docks.

Commissioner Harkness stated that the Commissioners had given the application personal attention, that the price had been checked and is the best available and that the Commission had received the aid of the Consulting Engineer, Dr. C. E. Lucke, who has recommended that the application be approved.

The following resolution was adopted:

Whereas, By communication dated March 7, 1923, Frank Hedley, as President and General Manager of Interborough Rapid Transit Company, has, pursuant to the provisions of Article XXII of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and said Interborough Rapid Transit Company, known as Contract No. 3, submitted for the approval of this Commission three identical contracts between said Interborough Rapid Transit Company and the Consolidation Coal Company (Inc.) Logan Coal Company and Berwin-White Coal Mining Company for the supply and delivery of bituminous coal for use by said Interborough Rapid Transit Company during the period from February 1, 1923 to January 31, 1924, at the price of \$7.50 per gross ton of 2,240 pounds free alongside at 59th Street and 74th Street power stations of said Interborough Rapid Transit Company, which said contracts each further provide for a reduction in the price of said coal thereunder in order to accord with the minimum price at which coal of the same quality is supplied by said contractors under other contracts with consumers in this district during said period; and

Whereas, Counsel to this Commission has examined said proposed contracts and finds them satisfactory as to form and the Commission is of the opinion that the said contracts should be approved,

Resolved, That said contracts so submitted be and the same hereby are approved.

360—R. T. 6761

Application by Interborough Rapid Transit Company for Approval of Purchase of 67,000 Feet of Cable to Supply Power to Substation No. 27—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated January 18, 1923, requesting approval to the purchase of 67,000 feet of three conductor sector shape cable from the Standard Underground Cable Company at an estimated cost of \$110,811 necessary to supply power to Substation No. 27.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 6, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs on February 21, 1923, recommending approval of the proposal as Equipment of the Railroad.

The following resolution was adopted:

Whereas, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3 said Interborough Rapid Transit Company has by communication dated January 18, 1923 requested the approval of this Commission to the purchase by it of 67,000 feet of three conductor 0000, 19,000 volt sector shape cable from the Standard Underground Cable Co. at an estimated expense of \$110,811 to supply power to Substation No. 27 of the Railroad in the Borough of Queens as Equipment of the Railroad as provided for in said Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated February 6, 1923 reported that the following bids were received for such material:

National Conduit and Cable Co.—\$1.476 per ft. less $\frac{1}{2}\%$ in 10 days for *round* cable.

Standard Underground Cable Co.—35,000 ft. of *sector* cable at \$1.673 per ft. less $\frac{1}{2}\%$ in 10 days.

—32,000 ft. of *sector* cable at \$1.633 per ft. less $\frac{1}{2}\%$ in 10 days.

American Steel and Wire Co.—No. bid.

Habirshaw Electric Cable Co.—No. bid.

that because of the standardization by Interborough Rapid Transit Company of sector shape cable for 19,000 volts the bid of National Conduit and Cable Co. cannot be considered; that the material is necessary, the quantity is proper and the price reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated February 21, 1923 has recommended the approval of said proposal as Equipment of the Railroad,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company be and the same hereby is approved, such material to be classified as Equipment of the Railroad, provided, however, that the foregoing approval is upon condition that the form of contract to be entered into by said Interborough Rapid Transit Company with Standard Underground Cable Co. to effect the approval herein given, shall before execution and delivery thereof be submitted to this Commission for its approval.

361—R. T. 6597, 6420

Manhattan Railways—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for 490 Turnstiles for Stations on Existing Elevated Lines—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated January 9, 1923, requesting approval of a proposed purchasing agent's order

directed to the General Electric Company for 490 pre-payment turnstiles with coin boxes equipped with slug detector device and lens for installation on stations of the existing Manhattan Railroads, at a cost of \$126,420.00.

A report was presented from the Engineer of Equipment and Operation dated January 18, 1923, together with a supplemental memorandum dated March 20, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the certificate dated March 19, 1913, granted to Interborough Rapid Transit Company for certain Extensions to the Existing Elevated Railroads and pursuant also to the provisions of a stipulation between The City of New York and said Interborough Rapid Transit Company dated March 9, 1923, with respect to the proper interpretation and meaning of the provisions of said Extension Certificate in particular relation to betterments, improvements or additions to Existing Manhattan Railroads, this Commission by resolution adopted on March 13, 1923, approved of the installation of automatic pre-payment turnstiles upon stations of the Existing Manhattan Railroads and in and by said resolution classified such work as Additions to the Existing Manhattan Railroads and to which work this Commission in and by said resolution assigned Work Order No. IMA-1; and

Whereas, There has been submitted to this Commission pursuant to said resolution and stipulation for the approval of this Commission a proposed purchasing agent's order dated January 9, 1923, directed to the General Electric Company for the following:

490 Turnstiles, electric type, automatic two-way prepayment, General Electric Company's type R. J. 1, form A, complete, with their type J. P. 1, coin box equipped with slug detector device and lens.	
Price: \$258.00 each.....	\$126,420.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 437"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated January 18, 1923, recommended the approval of said proposed purchasing agent's order and by supplemental memorandum dated March 20, 1923, has stated that the said proposed purchasing agent's order may now be approved under the recommendation of January 18, 1923 aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that pursuant to the said resolution of March 13, 1923, and the said stipulation dated March 9, 1923, the said proposed purchasing agent's order aforesaid be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order the purchase of said turnstiles to be classified as Additions to the Existing Manhattan Railroads under Work Order No. IMA-1 heretofore assigned.

362

Centre Street Loop—Report by Chief Engineer Recommending Authorization to Change a Passageway at Northeast Corner of Canal and Centre Streets so as to Provide Additional Exit Facilities—Approved

A report was presented from the Chief Engineer dated March 13, 1923, recommending that he be authorized to include a change in the passageway at the northeast corner of Canal and Centre Streets so as to provide an overhead crossing from the easterly platform to the southeast corner in connection with the contract for additional exit facilities at that point. Upon motion duly seconded and adopted the recommendation was approved.

363—R. T. 6597, 6856

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Installation of Automatic Turnstile at Caton Avenue Entrance of Church Avenue Station of Brighton Beach Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Classifying Work and Assigning Work Order No. MCR-11—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated November 28, 1922, requesting approval of the installation of an automatic turnstile at the Caton Avenue entrance of the Church Avenue Station of the Brighton Beach Line at an estimated cost of \$1,500.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated December 29, 1922, recommending that the application be approved from an engineering standpoint.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant dated March 5, 1922, classifying the work as a Replacement and assigning Work Order No. MCR-11 to the unit of work.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation, by communication dated November 28, 1922, has requested the approval of this Commission to the installation of one high type automatic turnstile at the Caton Avenue entrance of the Church Avenue Station of the Brighton Beach Line of the Existing Railroads as described in said Contract No. 4; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated December 29, 1922, reported that the estimated cost of such work is \$1,500; that the character and arrangement of said proposed turnstile is similar to that already approved for the Culver Line of the railroads operated by the assignee of said New York Municipal Railway Corporation; that it is proposed to have a ticket agent on duty at all hours of the day at the Church Avenue end of said station, while the Caton Avenue end will be served by the automatic turnstile proposed during periods of light traffic with an agent on duty during the rush hours and recommend that the said application be approved upon the conditions more particularly set forth in said report; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have, by communication dated March 5, 1923, recommended that the work of installing said proposed turnstile be classified as a Replacement and that the cost thereof be paid for out of that portion of the "Depreciation Fund for Existing Railroads" which has been made available by "Retirements from Service"; that Work Order No. MCR-11 be assigned thereto and that the said Receiver and/or said New York Municipal Railway Corporation be required to account for the cost of removing or rearranging any existing facilities, together with the salvage value of the material removed,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the application of said Receiver of New York Municipal Railway Corporation be and the same hereby is approved upon condition

(1) that the arrangement and details of the apparatus shall be approved by the Chief Engineer of this Commission before installation

(2) that the right is reserved by this Commission to order the rearrangement or removal of any or all of said apparatus and the restoration of the said station to its original condition whenever, in the opinion of this Commission, such rearrangement or relocation is desirable

(3) that the hours during which the ticket agent will be maintained at the said Caton Avenue entrance of said station shall be as determined by the Commission as necessary to meet the requirements of the traffic.

Further Resolved, That the work of installing said turnstile in accordance with the approval herein contained shall be classified as a Replacement and that the cost of such work shall be paid for out of that portion of the "Depreciation Fund for Existing Railroads" which has been made available by "Retirements from Service"; that the company shall account for the cost of removing or rearranging any existing facilities, together with the salvage value of material removed, and that this Commission assigns to said unit Work Order No. MCR-11.

364—R. T. 6597, 6593, 6856

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Installation of Automatic Turnstiles at Caton Avenue Entrance of Church Avenue Station, Brighton Beach Line, and at Stations of Liberty Avenue Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Assigning Work Order Nos. MCR-11 and MEA-3—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated January 12, 1923, requesting approval of a proposed purchasing agent's order, directed to the Vulcan Rail & Construction Company for the installation of automatic turnstiles at the Caton Avenue end of the Church Avenue station of the Brighton Beach Line and at stations of the Liberty Avenue Line, at a total cost of \$13,235.00.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 21, 1923, recommending that the application be approved from an engineering standpoint.

A report was presented from the Auditor of Rapid Transit Costs and the Assistant Chief Accountant, classifying the work and assigning Work Order No. MCR-11 to the turnstile at the Church Avenue station, and assigning Work Order No. MEA-3 to the turnstiles on the Liberty Avenue Line.

The following resolution was adopted:

Whereas, By resolution adopted November 2, 1922, this Commission, pursuant to the provisions of the certificate dated March 19, 1913, granted by the Public Service Commission for the First District to New York Municipal Railway Corporation for certain Elevated Extensions, approved the request of the Receiver of New York Municipal Railway Corporation to the installation of one each of the high type automatic turnstile at the following stations of the Liberty Avenue Line as described in said certificate:

Hudson Street	West End
Boyd Avenue	West End
Rockaway Boulevard	West End
Oxford Avenue	West End
Greenwood Avenue	West End
Lefferts Avenue	West End

such work to be classified, as Additions to Elevated Extensions of Existing Railroads and assigned thereto Work Order No. MEA-3, such approval being given upon the terms and conditions as more particularly set forth in said resolution; and

Whereas, By resolution adopted on March 13, 1922, this Commission approved the proposal of the Receiver of New York Municipal Railway Corporation pursuant to the provisions of the contract dated March 19, 1913, known as Contract No. 4, for the installation of one high type automatic turnstile at the Caton Avenue end of the Church Avenue Station of the Brighton Beach Line of the Existing Railroads as described in said Contract No. 4, upon the terms and conditions as set forth in said resolution and upon the further condition that said work be classified as a Replacement, the cost thereof

to be paid for out of that portion of the moneys of the "Depreciation Fund for Existing Railroads" made available by "Retirements from Service" and as to which this Commission assigned Work Order No. MCR-11; and

Whereas, By communication dated January 12, 1923, the said Receiver of New York Municipal Railway Corporation has submitted for the approval of this Commission proposed purchasing agent's order dated January 11, 1923, directed to the Vulcan Rail and Construction Company for the following :

"Furnish, install and paint prepayment entrance turnstiles, exit turnstiles, new railings and gates, together with such other miscellaneous items of work as are necessary in connection therewith, including alterations to existing railings and gates at the west mezzanine of each of the stations at Hudson Street, Boyd Ave. Rockaway Boulevard, Oxford Ave., Greenwood Ave. and Lefferts Ave. Liberty Avenue Line, and at the Caton Avenue End of the Church Avenue Station, Brighton Beach Line; all of which work is more particularly described in our specifications dated December 1st, 1922, and indicated upon our drawings numbered C5583, C-5586, C-5644, C-5645 and C-5646."

which proposed purchasing agent's order has been caused to be designated as "Approval No. 340"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have, by communication dated February 1, 1923, reported that the following bids were received for such work :

	First Bidding	Second Bidding
Vulcan Rail & Construction Co.....	\$13,710.00	\$13,235.00
Albes-Godfrey Co.	13,923.00	13,585.50
Harris H. Uris Iron Works.....	15,178.00	14,097.00
Whale Creek Iron Works.....	15,125.00	14,625.00
Hay Foundry & Iron Works.....		No bid.
William Schwenn		No bid.
Chernin & Mollov.....		No bid.
John Thatcher & Son.....		No bid.
Pan American Iron Works.....		No bid.
Standard Iron Works.....		No bid.
H. Brown Company, Inc.....		No bid.
Grand Central Iron Works.....		No bid.

; that the prices are considered not unreasonable and the best obtainable, and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, By communication dated March 5, 1923, the Auditor of Rapid Transit Costs and the Assistant Chief Accountant have recommended the approval of said proposed purchasing agent's order under the Work Order Numbers assigned as aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

365—R. T. 6597, 6593, 6856

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Coin Boxes, etc., to Be Installed on Automatic Turnstiles at Nine Stations—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Assistant Chief Accountant Recommending Work Be Done under Work Orders Nos. MBA-16, MEA-2, MCR-11, and MEA-3—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated December 29, 1922, requesting approval of a proposed purchasing agent's order directed to Perey Machine Works for furnishing coin boxes, etc., to be installed on automatic turnstiles at nine stations at a cost of \$2,250.00.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated February 10, 1923, stating that the cost is reasonable and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and Assistant Chief Accountant dated March 7, 1923, recommending that the work be done under Work Orders Nos. MBA-16, MEA-2, MCR-11 and MEA-3 heretofore assigned.

The following resolution was adopted:

Whereas, Heretofore and on the dates hereinafter indicated this Commission has approved of the installation of high type prepayment turnstiles at various stations of the Railroad, Existing Railroads and Elevated Extensions operated under and pursuant to the provisions of the contract dated March 19, 1913, known as Contract No. 4 and the certificate dated March 19, 1913, for Elevated Extensions:

Station	Line	Approved Date	Work Order No. Assigned
Ave. U—Neck Road End	Culver	October 10, 1922	MBA-16
Metropolitan Ave.—W. End	Jamaica	July 18, 1922	MEA-2
Church Ave.—Caton Ave. End	Brighton Beach	March 13, 1923	MCR-11
Hudson St.—West End	Liberty Ave.	Nov. 22, 1922	MEA-3
Boyd Ave.—West End	Liberty Ave.	Nov. 22, 1922	MEA-3
Rockaway Blvd.—West End	Liberty Ave.	Nov. 22, 1922	MEA-3
Oxford Ave.—West End	Liberty Ave.	Nov. 22, 1922	MEA-3
Greenwood Ave.—West End	Liberty Ave.	Nov. 22, 1922	MEA-3
Lefferts Ave.—West End	Liberty Ave.	Nov. 22, 1922	MEA-3

; and

Whereas, By communication dated December 29, 1922 the Receiver of New York Municipal Railway Corporation has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated December 29, 1922, directed to the Perey Machine Works for the following:

9 Units Each Consisting of following:

1. Coin box complete, 12" x 12" x 3'-3 $\frac{3}{4}$ ", with automatic coin release, coin return and counting register. Each box to be equipped with money drawer and lock, money drawer to have shutter with automatic locking device and lock. One extra or spare money drawer to be furnished with each box, drawer in each case to be accessible from the rear.
2. Cast iron box to be set into cast iron shock absorbing base; box to be equipped with compression spring plunger, solenoid release, ratchet and pawl, and cast iron base for vertical post of turnstile, assembled complete, ready for installation of the turnstile.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 339"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated February 10, 1923 reported that such material is necessary for the installation of said turnstiles so approved; that the cost is reasonable; that no other bids were received for the reason that the company has made all such apparatus for the said Receiver and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Assistant Chief Accountant have by communication dated March 7, 1923 recommended the approval of said proposed purchasing agent's order in accordance with the work order numbers heretofore assigned as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved, that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is authorized and directed to execute the form of approval of this Commission made pursuant to said proposed purchasing agent's order.

366—R. T. 7631

Route No. 12, Section No. 1—Report by Chief Engineer Recommending that Changes in Sump and Pump Chamber at Pacific Street and Flatbush Avenue Be Done under Future "Odds and Ends" Contract—Approved

A report was presented from the Chief Engineer dated March 17, 1923, recommending that the work shown on Drawing No. S-1945 for enlarging the sump and pump chamber at Pacific Street and Flatbush Avenue, Route No. 12, Section No. 1, be done as a construction item under a future "odds and ends" contract.

On motion, duly seconded and adopted, the recommendation was approved.

367—R. T. 7354

Contract No. 3—Stipulation Extending Time to March 31, 1923, for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1921—Approved

A stipulation dated February 28, 1923, between the Transit Commission and the Interborough Rapid Transit Company extending the time to and including March 31, 1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1921, provided for in Subdivision 5 of Article XLIX of Chapter II of Contract No. 3, was approved.

368—R. T. 7354

Contract No. 3—Stipulation Extending Time to March 31, 1923, for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1922—Approved

A stipulation dated February 28, 1923, between the Transit Commission and the Interborough Rapid Transit Company extending the time to and including March 31, 1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1922, provided for in Subdivision 5 of Article XLIX of Chapter II of Contract No. 3, was approved.

369—R. T. 7235

Elevated Extension Certificate—Stipulation Extending Time to March 31, 1923, for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1921—Approved

A stipulation dated February 28, 1923, between the Transit Commission and the Interborough Rapid Transit Company, extending the time to and including March 31, 1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1921, provided for in Subdivision 5 of Article XII of the Extension Certificate of the Interborough Rapid Transit Company, was approved.

370—R. T. 7235

Elevated Extension Certificate—Stipulation Extending Time to March 31, 1923, for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1922—Approved

A stipulation dated February 28, 1923, between the Transit Commission and the Interborough Rapid Transit Company extending the time to and including March 31,

1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1922, provided for in Subdivision 5 of Article XII of the Extension Certificate of the Interborough Rapid Transit Company, was approved.

371—Case 2678

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which Ziegler Avenue Shall Be Carried Across the Tracks of the Flushing and North Side Division of Railroad, in the Borough of Queens—Hearing Resolution Adopted

The Secretary presented a resolution, adopted by the Board of Estimate and Apportionment on March 9, 1923, requesting a determination by the Commission as to the manner in which Ziegler Avenue, in the Borough of Queens, should be carried across the tracks of the Flushing & North Side Division of the railroad, and renewing the application made to the Commission in Case No. 1826, for a similar determination. The Secretary also presented a map transmitted with said resolution.

Thereupon the Commission adopted and ordered filed a resolution in Case No. 2678, directing a hearing on a date to be fixed by the Secretary, and authorizing and designating James B. Walker, Secretary to the Commission, to conduct said hearing, to take the testimony therein and report same to the Commission with his opinion thereon for its decision and determination.

372—Case 2677

Sixth Avenue Railroad Company—Application for Approval of Declaration of Abandonment of a Portion of Railroad in Lenox Avenue between 110th and 116th Streets, Manhattan—Hearing Order

The Secretary presented a petition, dated and verified March 5, 1923, of the Sixth Avenue Railroad Company by E. H. Garrison, Secretary, asking for the approval of a declaration of abandonment of a portion of the company's railroad and franchises in Lenox Avenue between 110th and 116th Streets, Borough of Manhattan, together with a copy of said declaration of abandonment.

Thereupon the Commission adopted an Order in Case No. 2677, directing a hearing on April 4, 1923 at 10:30 a. m., with respect to the matter and authorizing and designating James B. Walker, Secretary to the Commission, to conduct said hearing, to take the testimony therein and report same to the Commission with his opinion thereon for its decision and determination.

373

The Long Island Railroad Company—Proposed Conference on Improved Protection of Grade Crossings—Letter of Chairman to Company—Company's Reply—Papers Ordered Filed

The Secretary presented a copy of a communication, dated March 8, 1923, signed by the Chairman of the Commission and directed to The Long Island Railroad Company, reading as follows:

March 20, 1923]

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March 8, 1923.

Mr. RALPH PETERS, President,
LONG ISLAND RAILROAD COMPANY,
Pennsylvania Station,
New York City.

Dear Sir:

Recent accidents at grade crossings of railroads in this city, some of which have occurred on the lines of the Long Island Railroad, have again called attention to the dangers incidental to the fast and frequent operation of trains crossing vehicular highways at grade. The Transit Commission and its predecessors have given much study to this subject. The engineers of the Commission at the present moment are examining exhaustively the possibilities of more comprehensive protection of grade crossings through the installation of automatic safety devices.

The Commission recognizes that the dangers attending trunk line operation within the city limits can be absolutely eliminated only by the separation of the grade of the railroad from the grade of the highways. There are, however, about 400 grade crossings within the city and the complete elimination of all these would cost, according to present estimates, upward of \$200,000,000. While the law provides that the cost of elimination shall be divided between the railroad company, the state and the city in the proportion of one-half by the company and one-quarter each by the state and the city, the total cost would be so great as to make it absolutely impossible to undertake anything like a general elimination at one time.

The Commission and its predecessors have accordingly, during the last fifteen years, undertaken elimination first of the most dangerous grade crossings, and changes in existing structures, in accordance with the current ability of the railroads, the state and the city to provide the necessary funds. Within the limitation of available appropriations 14 grade crossings and one foot subway have been eliminated on the lines of the Long Island Railroad, and 5 grade crossings on the Staten Island Railway lines, as well as one additional change made in the existing structure of the New York Central Railroad. The total cost of these eliminations has been nearly \$2,000,000, exclusive of additions and betterments borne entirely by the railroad companies. Work is now under way or ordered for the elimination of 11 more crossings on the Long Island Railroad; 6 crossings and one change in existing structure on Staten Island, and 2 changes in existing structures on the New York Central, to cost in all about \$4,800,000. The state's quota toward this prospective expense has already been appropriated, although the expenditure in question will practically exhaust the existing state appropriation. For its share in further work, the Legislature must be called upon for additional funds.

When the total number of grade crossings is considered, however, it will readily appear that a beginning only has been made. Pending further eliminations the Commission and its predecessors have therefore ordered the installation of protective devices, including gates, flagmen and bells at all crossings where the highway travel is sufficiently heavy to demand protection. In addition, the state has provided by law for the erection and maintenance of approach warning signs upon the highways on either side of such crossings and imposed on drivers of vehicles the duty of slowing up when the crossing has been made.

The Commission in all its efforts to provide protection has had the support and cooperation of the railroad companies, who have also contributed freely of their funds and the time of their officers in conducting safety campaigns seeking to educate the public as well as their own employes as to the necessity of exercising greatest caution at these points of danger.

It is gratifying to note that the various measures from time to time taken have been effective in reducing materially the number of fatal accidents. The records of the Commission show a progressive improvement during the past ten years. In the year 1912 there were 7 persons killed in grade crossing accidents on the Long Island Railroad. In the year 1922 only three such fatalities occurred, notwithstanding the constant increase in the amount of traffic carried and in the number of trains operated. In 1912 the Long Island Road carried 37,000,000 passengers, and in 1922, 79,600,000. In short, while the traffic has more than doubled, the fatalities at grade crossings have been cut down by more than fifty per cent.

Good as this record is, however, we do not doubt that your company will recognize that it is not sufficient so long as there are further measures of improvement, mechanical or otherwise, that can be developed. The Commission aims to wipe out accidents of this character entirely if it is humanly possible to do so. In this effort we will be glad to

[March 20, 1923]

have your continued co-operation. Recent accidents, largely due to the failure of the human element, have brought sharply into view the need of providing either automatic control signals or other protective devices at the dangerous crossings, in addition to existing equipment. In connection with the inquiry its engineers are at present making, the Commission would be glad to have your company appoint an engineering representative, or more than one if you see fit, to confer with its own force in examining available appliances and in devising further improvements in the general plan of grade crossing protection that such a conference may develop.

We shall be glad to have your representative, when assigned, take the matter up directly with Mr. Latey, our Engineer of Equipment and Operation.

Very sincerely yours,
GEORGE McANENY,
Chairman.

The Secretary also presented a communication, dated March 19, 1923, from G. Le Boutillier, Vice-President of the Company, reading as follows:

Mr. GEORGE McANENY, Chairman.

TRANSIT COMMISSION,
49 Lafayette street, N. Y.

My dear Sir:

Your very comprehensive letter of March 8th to Mr. Peters in regard to the protection of grade crossings within the City of New York has been received.

In Mr. Peters' absence, I wish to say that The Long Island Railroad Company will gladly cooperate with the Transit Commission in any plans that may be developed at the conference you propose.

We will assign Mr. Louis Viellard, Electrical Inspector in our Maintenance of Way Department to confer with Mr. Latey, your Engineer of Equipment and Operation. Mr. Viellard will immediately arrange for an appointment.

Yours very truly,
G. LE BOUTILLIER,
Vice-President.

Thereupon the above mentioned papers were ordered filed and the matter was referred to the Engineer of Equipment and Operation to arrange a conference as suggested in Mr. Le Boutillier's letter.

374—R. T. 7592

Route No. 11-B, Section No. 3—Communication from Board of Estimate and Apportionment Referring Back Proposed Contract with T. A. Gillespie Company for the Reason of Withdrawal of Bid by Contractor—Filed

The following communication from the Board of Estimate and Apportionment was ordered filed:

(Cal. No. 67)

March 16, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

At the meeting of the Board of Estimate and Apportionment on March 16, 1923, your communication dated December 27, 1922, submitting for the consent of the Board, proposed contract with the T. A. Gillespie Co., lowest of eight bidders for the construction of Route No. 11-B, Section No. 3, of the Fourth Avenue Subway, Brooklyn, and requesting an issue of corporate stock for the purpose of meeting the City's obligations under said proposed contract, was referred back to you for the reason that the contractor has withdrawn his bid.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

375—R. T. 7603

Route No. 52, Section No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Oakdale Contracting Company, Inc., and Authorizing Appropriation of \$1,635,950.75—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 9, 1923, was ordered filed:

(Cal. No. 221-A)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated October 31, 1922, the Board of Estimate and Apportionment does hereby consent to the contract with the Oakdale Contracting Co., Inc., for the construction of a part of a rapid transit railroad, Flushing Route, Route No. 52, Section 3 (Amity street), at an estimated cost of one million six hundred and thirty-five thousand nine hundred and fifty dollars and seventy-five cents (\$1,635,950.75); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be one million six hundred and thirty-five thousand and nine hundred and fifty dollars and seventy-five cents (\$1,635,950.75); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission; dated October 31, 1922, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one million six hundred and thirty-five thousand nine hundred and fifty dollars and seventy-five cents (\$1,635,950.75), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said appropriation of one million six hundred and thirty-five thousand and nine hundred and fifty dollars and seventy-five cents (\$1,635,950.75) of corporate stock to be in addition to all appropriations heretofore made by the Board of Estimate and Apportionment for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 9, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated March 19, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

376—R. T. 7600

Route No. 52, Section No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Gustin-Morris Contracting Corporation for Construction of Column Foundations and Authorizing Appropriation of \$91,612.50—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 9, 1923, was ordered filed:

(Cal. No. 221-B)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 14, 1922, the Board of Estimate and Apportionment does hereby consent to the contract with Gustin-Morris Contracting Corporation for the construction of foundations, Route 52, Section 1, Flushing Route, at an estimated cost

of ninety-one thousand six hundred and twelve dollars and fifty cents (\$91,612.50); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be ninety-one thousand six hundred and twelve dollars and fifty cents (\$91,612.50); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter and the requisition of the Transit Commission, dated November 14, 1922, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding ninety-one thousand six hundred and twelve dollars and fifty cents (\$91,612.50), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said appropriation of ninety-one thousand six hundred and twelve dollars and fifty cents (\$91,612.50) of corporate stock to be in addition to all appropriations heretofore made by the Board of Estimate and Apportionment for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 9, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated March 19, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

377—R. T. 6658

Routes Nos. 4 & 38, Section No. 6—Certified Copy of Resolution of Board of Estimate Authorizing Appropriation of \$37.50 as City's Share for Construction of Platform Extension of Northerly End of Express Platform of Pennsylvania Station—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 9, 1923, was ordered filed:

(Cal. No. 22)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated January 31, 1922, the Board of Estimate and Apportionment does hereby consent to an agreement with the Interborough Rapid Transit Company, as lessee, for the construction of platform extensions at the northerly end of the express platform of the Pennsylvania Station of the 7th Avenue Branch of the 7th Avenue-Lexington Avenue Line, as addition to construction, under Contract No. 3, at an estimated cost to The City of New York of thirty-seven dollars and fifty cents (\$37.50), being one-half of the total estimated cost of seventy-five dollars (\$75); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be thirty-seven dollars and fifty cents (\$37.50); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding thirty-seven dollars and fifty cents (\$37.50), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said agreement; said issue of corporate stock to be charged as a sub-authorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 9, 1923.

JAMES MATTHEWS,
Assistant Secretary.

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Equipment—Certified Copy of Resolution of Commissioners of the Sinking Fund Assigning to Department of Water Supply, Gas and Electricity Certain Property Turned Over by This Commission—Filed

The following extract from the resolution adopted by the Commissioners of the Sinking Fund on March 15, 1923, was ordered filed:

Resolved, That, pursuant to the provisions of section 205 of the Greater New York Charter, as amended, the Commissioners of the Sinking Fund hereby assign the following described property turned over to it by certain departments and offices as no longer required by them:

From Transit Commission to Department of Water Supply, Gas and Electricity—Two (2) oak flat-top desks; five (5) oak roll-top desks; three (3) flat-top oak desks; one (1) oak table; four (4) swivel chairs; four (4) stenographer's chairs; four (4) straight-back chairs; two (2) field note file cases; one (1) atlas desk; one (1) atlas cabinet.

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Fees Received during February, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of February, 1923, fees, etc., to the amount of \$156.71 and refunds of rental from rapid transit real estate to the amount of \$4,398 had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$156.71 to be accredited to the General Fund of The City of New York, and the sum of \$4,398 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

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Employees' Resolution No. 133

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Fred Adinolfi, architectural draftsman, at \$150.08 per month, to take effect March 19, 1923; Mervil V. Broadbent, engineering inspector, at \$150.08 per month, to take effect March 22, 1923; James O'Connor, engineering inspector, at \$150.08 per month, to take effect March 16, 1923; Edward J. Politoske, junior assistant, at \$125.08 per month, to take effect March 19, 1923; Joseph Reilly, engineering inspector, \$150.08 per month, to take effect March 27, 1923; John A. Sheehan, engineering inspector, at \$150.08 per month, to take effect March 26, 1923; John R. J. Sheil, engineering inspector, at \$150.08 per month, to take effect March 26, 1923; Matthew N. Wallich, engineering inspector, at \$150.08 per month, to take effect March 27, 1923.

Reinstatement under Rule XVI:1—William R. Barry, junior engineer, at \$180.00 per month, to take effect March 21, 1923; Clemens F. Holm, junior engineer, at \$180.00 per month, to take effect March 21, 1923; John Horn, engineering inspector, at \$175.00 per month, to take effect March 16, 1923; Harry R. Loring, junior engineer, at \$180.00 per month, to take effect March 21, 1923; Frank A. Nagorski, junior engineer, at \$180.00 per month, to take effect March 21, 1923; Martin Nelson, junior assistant, at \$152.50 per month, to take effect March 21, 1923; Louis C. White, junior engineer, at \$180.00 per month, to take effect March 21, 1923; John C. White, junior engineer, at \$180.00 per month, to take effect March 21, 1923.

Resignations—Louis W. Krummel, junior assistant, at \$125.08 per month, to take effect March 15, 1923; John Lvons, junior assistant, at \$125.08 per month, to take effect March 6, 1923; James O'Connor, watchman, at \$3.00 per diem, to take effect March 15, 1923; Benjamin Rabinowitz, draftsman, at \$150.08 per month, to take effect

March 20, 1923; Joseph Reilly, engineering inspector, at \$125.00 per month, to take effect March 26, 1923; Samuel Strumer, draftsman, at \$150.08 per month, to take effect March 22, 1923; Matthew N. Wallich, junior assistant, at \$137.50 per month, to take effect March 26, 1923.

Termination of Appointment under Rule VIII:4—Elliot S. Manion, junior assistant, at \$125.08 per month, to take effect February 16, 1923.

Transferred to Board of Estimate and Apportionment—William R. Barry, junior engineer, at \$180.08 per month, to take effect March 22, 1923; Clemens F. Holm, junior engineer, at \$180.00 per month, to take effect March 22, 1923; Harry R. Loring, junior engineer, at \$180.08 per month, to take effect March 22, 1923; Frank A. Nagorski, junior engineer, at \$180.00 per month, to take effect March 22, 1923; Martin Nelson, junior assistant, at \$152.50 per month, to take effect March 22, 1923; Louis C. White, junior engineer, at \$180.00 per month, to take effect March 22, 1923; John C. White, junior engineer, at \$180.00 per month, to take effect March 22, 1923.

Leave of Absence without Pay—Winifred Anderson, clerk, from March 24, 1923, to April 6, 1923; C. R. McConkey, junior engineer, from March 5, 1923, to April 4, 1923; and be it further

Resolved, That, in view of the unusual conditions which have prevailed during the period from January 1, 1923 to March 15, 1923, as to absences because of influenza, grippe, colds and kindred ailments, that the rules as to leaves of absences be, and hereby are, suspended for that period, and all absences occurring therein shall be allowed with pay, with the exception of those which have been or are made a subject of special action by the Commission.

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Voucher Schedule No. 12

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:
Vouchers Nos. 274-295, open market orders \$5,074.70; Vouchers Nos. 140-166, miscellaneous bills, \$2,530.22.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 73, Alfred R. Sax Lumber Co., approximate estimate No. 6 for the supply of ties and timber, Order No. 7 for rapid transit railroads, from January 16, 1923 to February 28, 1923 (R. T. 7496) \$10,452.05;

Voucher No. 74, B. T. & J. J. Mack, Inc.; approximate estimate No. 1 for the construction of transformer closets for emergency lighting for part of the Broadway-Fourth Avenue Rapid Transit Railroad, from February 20, 1923 to March 15, 1923 (R. T. 7587) \$2,804.64;

Voucher No. 75, Charles H. Brown & Son Corporation, Assignee, approximate estimate No. 13 for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8, from February 16, 1923 to March 15, 1923 (R. T. 7639) \$4,815.18;

Voucher No. 76; Jacob Schlesinger, Inc.; approximate estimate No. 8 for the construction of a second addition to shops at Lenox Avenue and 148th Street Yard, under Contract No. 3 from February 16, 1923 to March 15, 1923 (R. T. 7368) \$3,156.94.

382

Hearing

The following hearing was held:

3:15 P. M., R. T. 7605, Location of stairways and entrances on north side of 42nd Street between Fifth and Sixth Avenues, Queensboro Subway Extension. Commissioner Harkness presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, March 21, 1923

383

Hearing

T. C. Investigation No. 1

2:30 P. M.: Examination under Order of November 1, 1921, into general condition of all railroads, street railroads, stage or omnibus lines or routes and all persons and corporations within its jurisdiction. (Valuation—Richmond Light & Railroad Company.) James B. Walker, Secretary, presided. Hearings closed.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, March 23, 1923

384

Hearing

The following hearing was held:

2:30 P. M.; Case No. 2674; Brooklyn Eastern District Terminal; application for approval of proceedings to condemn real property located at No. 80 Kent Avenue, Brooklyn. George O. Redington, Counsel, presided. Adjourned subject to call.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, March 26, 1923

385

Hearing

The following hearing was held:

11:30 A. M. R. T. 7651. Draft form of contract for construction of Broad and Nassau Streets Route No. 45. Commissioners Harkness and O'Ryan presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, March 27, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

386—R. T. 7638

Order No. 22—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders for Supply of Special Work and Track Fittings—Adopted

The following resolution was adopted:

Resolved, That upon receipt of the report by the Chief Engineer as to the bids received on March 15, 1923, for the supply of Special Work and Track Fittings, Order No. 22, for use in various parts of the dual system of rapid transit railroads, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of \$2,000 deposited with their bids.

387—R. T. 7600

Route No. 52, Section No. 1—Resolution Approving Sureties upon Bond of \$8,000 Deposited by Contractor as Security for Construction of Column Foundations—Adopted

The following resolution was adopted:

Resolved, That the Fidelity & Deposit Company of Maryland, and the United States Fidelity & Guaranty Company be and hereby are approved as sureties upon the bond in the sum of Eight thousand (\$8,000) Dollars deposited by Gustin-Morris Contracting Corporation as security for the faithful performance of the contract for the construction of column foundations for Section No. 1 of Route No. 52 of the Flushing Line, each of said sureties being held and bound in the sum of Four thousand (\$4,000) Dollars.

388—R. T. 7635

Agreement "CE"—Resolution Approving Sureties upon Bond in Sum of \$4,000 Deposited by Contractor for Making Alterations so as to Permit Widening of Certain Streets in the Borough of Manhattan—Adopted

The following resolution was adopted:

Resolved, That the Commercial Casualty Insurance Company and the Fidelity and Deposit Company of Maryland be and hereby are approved as sureties upon the bond in the sum of Four thousand dollars (\$4,000) deposited by Benedetto & Saussez as security for the faithful performance of the contract for making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad at various locations so as to permit the widening of certain streets in the Borough of Manhattan, Agreement "CE," each of said sureties being held and bound in the sum of Two thousand dollars (\$2,000).

389—R. T. 7590

Contract No. 3—Resolution Approving Sureties upon Bond in Sum of \$25,000 Deposited by Contractor for Furnishing and Erecting Structural Steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Adopted

The following resolution was adopted:

Resolved, That R. B. Mellon, H. H. McClintic and C. D. Marshall be and hereby are approved as sureties upon the bond in the sum of Twenty-five thousand (\$25,000) dollars, deposited by McClintic-Marshall Company as security for the faithful performance of the contract for furnishing and erecting structural steel for the third

addition to shops at the Lenox Avenue and 148th Street Yard, each of said sureties to be so held and bound only for a portion of said sum as follows:

H. B. Mellon.....	\$8,000
H. H. McClintic.....	8,000
C. D. Marshall.....	9,000

390—R. T. 7636

Route No. 16, Section No. 2—Form of Contract, Specifications, Invitation to Contractors, etc., for Inspection Shed and Service Buildings at Jerome Avenue Yard—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings for the construction of inspection shed and service buildings at the Jerome Avenue Yard, Route No. 16.

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings for the construction of inspection shed and service buildings at the Jerome Avenue Yard, Route No. 16, be and hereby are approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication continuously from and including March 30, 1923 to and including April 13, 1923 and on April 2, 1923 and April 9, 1923 in The New York Times and The Globe, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 13th day of April, 1923 at eleven-thirty (11:30) o'clock a. m., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

391—R. T. 7503

Order No. 6—Certificate by Chief Engineer of Completion of Contract for Supply of Treated Ties—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

March 22, 1923.

TO: THE TRANSIT COMMISSION.

Certificate of Completion—Contract for Supply of Treated Ties. Order No. 6.

In connection with the contract dated May 11, 1922, between the City of New York and Eppinger & Russell for the supply of treated ties, Order No. 6, I hereby certify that final delivery of material was completed on February 23, 1923, to which date the contract time was extended by resolution of the Commission on March 6, 1923. The total cost of this contract was \$18,912.22.

Recommendation: That the material be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, Pursuant to the contract dated May 11, 1922, between The City of New York, acting by the Transit Commission and Eppinger & Russell for the supply of treated ties (Order No. 6) for use in the installation of tracks in municipal rapid transit railroads the time for completion of deliveries was extended to and including February 23, 1923, by resolution of the Transit Commission adopted on March 6, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated March 22, 1923, has reported that all the material required under said contract was completely delivered on or before February 23, 1923; that the total amount due therefor was \$18,912.22 and recommends that the material so delivered be accepted and that a certificate of such final delivery and acceptance be prepared and transmitted to the Comptroller of The City of New York.

Resolved, That said report and recommendation be and the same hereby are approved; that the material so delivered be and the same hereby is accepted and that a certificate of such final delivery and acceptance be prepared and transmitted to the Comptroller of The City of New York.

392—R. T. 7470

Order No. 20—Report by Chief Engineer Recommending Approval of Lump Sum Price for Changes in Special Work—Approval Resolution

A report was presented from the Chief Engineer dated March 21, 1923, recommending the establishment of a supplementary schedule item, as described below. The following resolution was adopted:

Whereas, The Chief Engineer in accordance with Article XVI of the contract dated June 5, 1922 between the City of New York, acting by the Transit Commission, and the Bethlehem Steel Products Company, Contractors for the supply of special work, Order No. 20, having subject to the approval of the Commission agreed with Bethlehem Steel Products Company upon the following supplementary schedule item:

Item 1-X. For extra work and materials on account of changes in Special Work Portions 248 and 249 as indicated on Contract Drawings 47 and 48, including delivery at the Fordham Freight Station, Harlem Division of the New York Central Railway, in a lump sum of \$1,483,

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

393—R. T. 6307

Route No. 45, Section No. 1—Report by Chief Engineer as to Receipt of Bids for Making Surveys of Properties at Nos. 51, 86, 86-A and 88 Nassau Street and No. 122 Fulton Street, Borough of Manhattan, and Recommendation for Acceptance of Bid of Lawyers' Title & Trust Company—Approved

A report was presented from the Chief Engineer dated March 21, 1923, as to bids received on March 14, 1923, from the Lawyers' Title & Trust Company in the sum of \$220.00 and from the Title Guarantee & Trust Company in the sum of \$280.00 for making surveys for the properties to be acquired at Nos. 51, 86, 86-A and 88 Nassau Street and No. 122 Fulton Street, Borough of Manhattan, necessary for working shafts, adequate entrance facilities and ventilation for the proposed Nassau Street Line, and recommending acceptance of the bid of Lawyers' Title & Trust Company.

Upon motion, duly seconded and adopted, the report was approved.

394—R. T. 6892

Route No. 8, Section No. 2—Resolution Rescinding Contract Voucher No. 57—Adopted

The following resolution was adopted:

Resolved, That contract voucher No. 57, dated March 6, 1923, in the sum of \$63,318.93, in favor of Patrick McGovern, Inc., assignee, for the performance of work in the construction of the completion of that portion of the 14th Street Eastern Rapid Transit Railroad, known as Section No. 2 of Route No. 8, be and the same hereby is in all respects revoked and rescinded, said voucher hereby revoked and rescinded having been superseded by contract voucher No. 77, approved by the Commission by resolution adopted of even date herewith.

395—R. T. 6668

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Furnishing Third Rail Insulators for Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated March 10, 1923, requesting approval of a proposed purchasing agent's order directed to the Ohio Brass Company for 4,000 third rail insulators as part of the Equipment necessary for the Fourteenth Street-Eastern Line at a cost of \$3,840.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 20, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs recommending that the work be classified as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison as Receiver of said New York Municipal Railway Corporation has by communication dated March 10, 1923 requested the approval of this Commission to the issuance of a purchasing agent's order dated March 8, 1923 directed to the Ohio Brass Company for the following:

- 2,000 Third Rail Insulators, Dwg. A-64 furnished.....95c. each
 - 2,000 Third Rail Insulators, Dwg. A-1071 furnished.....97c. each
- F O B 40th St. Station,
South Brooklyn Railway.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 342"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have by communication dated March 20, 1923 reported that such material forms part of Equipment necessary for initial operation of the Fourteenth Street-Eastern Line of the Railroad described in said Contract No. 4; that the following bids were received for such work:

Ohio Brass Co.....	\$3,840.00
Shield Electric Co.....	4,280.00

that the prices are the best obtainable and are reasonable; that the quantity of material to be purchased is proper and recommend the approval of said proposed purchasing agent's order: and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated March 22, 1923 has recommended the classification of said material as Equipment of the Railroad.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval made part of said proposed purchasing agent's order.

396—R. T. 4040

Hudson and Manhattan Railroad Company—Communication from Counsel Submitting Proposed Agreement for Readjustment of Rentals—Approval Resolution

A communication was presented from Counsel dated March 27, 1923, submitting a proposed agreement with the Hudson and Manhattan Railroad Company for the readjustment of rentals under the certificate dated February 12, 1905, for extensions in the Borough of Manhattan.

The following resolution was adopted:

Whereas, The certificate dated February 2, 1905 granted by the predecessor of this Commission to the predecessor of Hudson and Manhattan Railroad Company for the construction and operation of a certain rapid transit railroad extension under and along Sixth Avenue between Christopher Street and 33rd Street in the Borough of Manhattan, requires in Subdivision 3, Clause IV thereof, for the readjustment of the annual rental payable by the grantee thereunder and as more particularly set forth therein, the estimated amount of gross earnings to be determined by an agreement in writing between the parties; and

Whereas, This Commission and the Hudson and Manhattan Railroad Company have agreed with respect to the annual gross earnings for the period during which the adjusted rental shall be applicable and have set forth their agreement in writing which proposed agreement has been the subject of public hearings and upon which Commissioner O'Ryan has rendered an opinion dated February 28, 1923 and which is now submitted by Counsel with the recommendation that it be approved, executed and delivered,

Resolved, That said proposed agreement so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized and directed to execute and deliver said agreement for and on behalf of this Commission.

397—R. T. 6597

Elevated Extension Certificate—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Turnstile Track Relays—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated March 2, 1923, requesting approval of a proposed purchasing agent's order directed to Westinghouse Electric & Manufacturing Company for furnishing 73 turnstile track relays for installation of automatic turnstiles at stations of existing Manhattan railroads at a cost of \$60 each.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 26, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By resolution adopted July 6, 1922 this Commission approved, pursuant to the provisions of the certificate dated March 19, 1913 granted to Interborough Rapid Transit Company for certain Extensions to the Existing Elevated Railroads, known as the Webster Avenue, Eighth Avenue and 162nd Street Connection, Queensboro Bridge Line and the West Farms Subway Connection, the installation of automatic prepayment turnstiles (of a character and design similar to the turnstiles installed in the subway portion of the lines of the Interborough Rapid Transit Company with the approval of this Commission) upon the stations of said Extensions, and by said resolution classified such work as Additions to the Railroads, as defined in said Elevated Extension Certificate, and to which work this Commission, in and by said resolution, assigned Work Order No. IEA-1; and

Whereas, Pursuant to said Elevated Extension Certificate aforesaid and to the provisions of a stipulation between The City of New York and said Interborough Rapid Transit Company dated March 9, 1923 with respect to the proper interpretation and meaning of the provisions of said Extension Certificate in particular relation to betterments, improvements or additions to the Existing Manhattan Railroads, this Commission by resolution adopted March 13, 1923 approved of the installation of such automatic prepayment turnstiles upon stations of the Existing Manhattan Railroads and in and by said resolution classified such work as Additions to the Existing Manhattan Railroads and to which work this Commission, in and by said resolution, assigned Work Order No. IMA-1; and

Whereas, Pursuant to said authorizations contained in said resolutions said Interborough Rapid Transit Company has requested the approval of this Commission to the

issuance of a proposed purchasing agent's order dated March 2, 1923 directed to Westinghouse Electric and Manufacturing Company for the following:

73 Turnstile track relays, Westinghouse Electric and Manufacturing Company's type 389-T complete with box but without wiring.

Price: \$60.00 each.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 468"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated March 26, 1923 reported with respect to said proposed purchasing agent's order and for the reasons more particularly set forth in said communication have recommended the approval of said proposed purchasing agent's order,

Resolved, That said report and recommendation be and the same hereby are approved; that pursuant to said resolutions of July 6, 1922 and March 13, 1923 the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

398—Case 2628

New York Consolidated Railroad Company, New York Municipal Railway Corporation, Lindley M. Garrison, Receiver—Service and Equipment—New Schedules Effective April 1, 1923, Showing Changes in Service on Broadway Elevated Line and Lexington Avenue Elevated Line—Approval Order Adopted

The Secretary presented a communication, dated March 22, 1923, from W. S. Menden, General Manager for Lindley M. Garrison, Receiver of New York Consolidated Railroad Company and New York Municipal Railway Corporation, transmitting for approval pursuant to the Order in Case No. 2628, new schedules effective April 1, 1923, showing changes in service on the Broadway Elevated Line and the Lexington Avenue Elevated Line.

The Secretary also presented a report, dated March 27, 1923, by the Chief of the Transit Bureau, recommending the approval of said schedules.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2628, approving the above mentioned schedules effective as of April 1, 1923.

399—Case 2664

Richmond Light & Railroad Company—Application for Consent to Issuance of Mortgage, \$1,700,000 Bonds, 20,000 Shares of Capital Stock, etc.—Amended Opinion by Commissioner O'Ryan—Approval Order Adopted

The Secretary presented an opinion in Case No. 2664, by Commissioner O'Ryan, amending his opinion therein adopted February 7, 1923, with respect to the application of the Richmond Light & Railroad Company to mortgage and transfer of property to Richmond Railways, Inc.

Thereupon the Commission approved and ordered filed the above mentioned amended opinion in Case No. 2664.

The Commission thereupon adopted and ordered filed an Order in Case No. 2664, in the following form:

[March 27, 1923

At a meeting of the Transit Commission held at its office, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 27th day of March, 1923.

Present:
 GEORGE McANENY,
 Chairman, }
 LE ROY T. HARKNESS, } COMMISSIONERS

IN THE MATTER
 of the

Application of the Richmond Light & Railroad Company and of Richmond Railways, Inc., under Sections 54 and 55 of the Public Service Commission Law for consent to transfer certain street surface railroad property now owned by the former from it to the latter in consideration for stock and bonds of the latter to be issued to the former and for consent to Richmond Railways, Inc., to issue \$2,000,000. in its 6%, 30 year mortgage bonds and 20,000 shares of stock of no par value.

Case No. 2664

ORDER APPROVING MORTGAGE
 AND TRANSFER OF PROPERTY
 TO RICHMOND RAILWAYS,
 INC.

Application having been made to the Transit Commission by Richmond Light and Railroad Company by petition filed December 1, 1922 for the approval by the Commission of the transfer by Richmond Light and Railroad Company to Richmond Railways, Inc. of all its electric railroad lines and their appurtenances as described in said petition, and for the consent of the Commission to receive in consideration thereof the 30 year mortgage bonds and 20,000 shares of capital stock, without nominal or par value of said Richmond Railways, Inc., and for consent to Richmond Railways, Inc., to make and execute a mortgage and issue same stock and bonds in consideration of the acquisition of said railroad property.

And said Richmond Light and Railroad Company having, by letter dated December 12, 1922, amended said petition so as to include in the prayer thereof authority for Richmond Railways, Inc., to assume payment of the Equipment Trust Certificates outstanding under Car Trust made with the Bankers Trust Company of New York, Trustee, by the Staten Island Midland Railway Company, and assumed by Richmond Light and Railroad Company in December, 1919 to the amount of \$34,000 face value.

And Richmond Light and Railroad Company and Richmond Railways, Inc. having thereafter filed with the Commission their supplemental petition verified the 28th day of December, 1922 whereby it appears that Richmond Railways, Inc. was duly incorporated, and that its Certificate of Incorporation was filed in the office of the Secretary of State of the State of New York on December 20, 1922, and that proof of publication of said Certificate of Incorporation once a week for three successive weeks in one or more newspapers in the County of Richmond, as required by Section 9 of the Railroad Law, will be filed with this Commission, and said Richmond Railways, Inc. having by said supplemental petition joined in the application of Richmond Light and Railroad Company to this Commission for the relief therein specified.

And this Commission having, on the 7th day of December, 1922, made an order directing a public hearing upon the application of the Richmond Light and Railroad Company herein, such hearing having been duly held on the 13th day of December, 1922, and due deliberation having been had,

And the proposed mortgage referred to in said petition having been submitted to this Commission for its approval in a proof dated February 10, 1923, and the same having been revised and corrected by certain additions and alterations as of March 19, 1923,

It is Ordered

1. That the Transit Commission, pursuant to Section 54 of the Public Service Commission Law, hereby approves the transfer by Richmond Light and Railroad Company to Richmond Railways, Inc. of all its franchises and rights to or under its franchises to own or operate a railroad or street railroad.

2. Further Ordered that the Transit Commission does hereby consent to the issuance and execution by Richmond Railways, Inc., of a certain mortgage described as

follows: A mortgage executed by said Richmond Railways, Inc. to Irving Bank-Columbia Trust Company to secure an issue of bonds to be known generally as General Mortgage Gold Bonds of said Richmond Railways, Inc., unlimited in aggregate principal amount, to be issued in series, the bonds of each series to mature on such date and to bear such rate of interest and to contain such specifications and provisions as may be determined by the Board of Directors of Richmond Railways, Inc. and as provided or permitted in said mortgage and also to secure the performance of all the terms and conditions of such mortgage; and the form of such mortgage submitted by said Richmond Railways, Inc. is hereby approved and ordered filed and identified by a reference thereon to the resolution of this Commission under authority of which this order is made; Provided, However, that Richmond Railways, Inc. shall have no right, permission or authority to issue bonds under said mortgage or pursuant to the terms thereof, except as are herein or hereafter may be specifically authorized by this Commission.

And it appearing after hearing and other inquiry and investigation by the Commission, and it being the opinion of the Commission (1) that the issue of \$1,700,000 par value of bonds and of 20,000 shares of non par value capital stock are necessary to and reasonably required for the acquisition of said railroad property, appurtenances and franchises of the Richmond Light and Railroad Company and (2) that said purposes are not in whole or in part reasonably chargeable to operating expenses or to income, it is

3. Further Ordered that the Transit Commission, pursuant to Section 55 of the Public Service Commission Law, does hereby authorize and approve the issue by Richmond Railways, Inc., of \$1,700,000 face value of principal bonds of said company dated January 1, 1923, maturing January 1, 1953, with such interest therein not exceeding 6% per annum as shall or may be earned by Richmond Railways, Inc. payable as, if and when earned and duly declared by resolution of the Board of Directors of Richmond Railways, Inc. to be applicable to the payment of interest on such bonds; and said issue of \$1,700,000 par value of bonds shall be further subject to the provisions contained in Article IV, Section 2 of said mortgage between Richmond Railways, Inc. and Irving Bank-Columbia Trust Company aforesaid. And it is further ordered that the Transit Commission does hereby authorize the issue of said Richmond Railways, Inc. of 20,000 shares of stock of said company without nominal or par value.

4. Ordered that said issue of bonds and stock of said Richmond Railways, Inc. is authorized upon the terms, provisions and conditions following, and not otherwise, to wit:

(a) that said Richmond Railways, Inc., shall apply the said bonds to the amount of \$1,700,000 face value and said stock to the amount of 20,000 shares, to the following purposes, namely: to the purchase from Richmond Light and Railroad Company of the railroads, railroad property, appurtenances, rights and franchises now owned by said Richmond Light and Railroad Company;

(b) that the authority hereby given to issue such bonds and stock shall apply only to bonds and stock issued by said Richmond Railways, Inc. on or before the 30th day of September, 1923.

(c) that a duplicate original of the mortgage consented to and authorized as aforesaid upon the execution thereof be filed by said Richmond Railways, Inc. with the Secretary of the Commission.

(d) that the acquisition of the said street surface railroad properties and franchises now owned by Richmond Light and Railroad Company shall be made free and clear of all indebtedness (as provided in Article IV Section 2 of the aforesaid mortgage) except \$27,000 face amount of the equipment trust certificates hereinbefore mentioned, still outstanding and unpaid.

5. And it appearing that Richmond Light and Railroad Company intends to purchase, acquire, take and hold the entire capital stock of Richmond Railways, Inc. as part of the consideration for the railroad property and franchises to be transferred by it to said Richmond Railways, Inc., it is

Ordered that the Transit Commission hereby consents to the purchase, acquisition, taking and holding by said Richmond Light and Railroad Company of the said 20,000 shares of capital stock of said Richmond Railways, Inc. without nominal or par value.

6. Further Ordered that this order take effect immediately and except as it is hereinbefore limited as to the duration of the authority to issue such stock and bonds herein granted, this order shall continue in force until modified, ordered, rescinded or revoked by the Commission, and that within 30 days after service upon them of a

copy of this order said Richmond Railways, Inc. and Richmond Light and Railroad Company shall severally file with the Commission certified copies of resolutions by the Board of Directors of the said companies stating that the terms of this order are accepted and will be obeyed.

BY THE COMMISSION
JAMES B. WALKER,
Secretary.

400—Case 2669

New York Dock Railway—Form of Annual Report for Year Ending December 31, 1922—Extension Order Adopted

The Secretary presented a communication, dated March 13, 1923, from the New York Dock Railway, requesting an extension of time from April 10, 1923 to April 30, 1923, within which to file its annual report for the year ending December 31, 1922.

The Secretary also presented a report, dated March 19, 1923 by H. S. Fischer, Statistician, recommending the granting of the desired extension of time which said report was approved by the Acting Chief, Bureau of Accounting & Valuation and the Acting Chief Executive Officer.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2669, granting the desired extension of time to April 30, 1923.

401—Case 2669

Brooklyn Eastern District Terminal—Form of Annual Report for Year Ending December 31, 1922—Extension Order Adopted

The Secretary presented a communication dated March 22, 1923, from the Brooklyn Eastern District Terminal asking for an extension of time of thirty (30) days within which to file its annual report pursuant to the Order in Case No. 2669.

The Secretary also presented a report, dated March 23, 1923, by H. S. Fischer, Statistician, recommending an extension of time to May 10, 1923, which said report was approved by the Acting Chief, Bureau of Accounts and Valuation, and Acting Chief Executive Officer.

Thereupon the Commission adopted and ordered filed an Order in Case No 2669, granting the desired extension of time to May 10, 1923.

402—Case 2679

Brooklyn Rapid Transit Company and Rapid Transit Railroad and Surface Railroad Subsidiary Companies—Petition of Reorganization Committee of Stockholders for Approval of Reorganization Plan—Hearing Resolution with Notice Adopted

The Secretary presented a petition dated March 23, 1923, from Albert H. Wiggin, Charles A. Boody, Gerhard M. Dahl, Frederick H. Ecker, Charles Hayden, Seward Prosser and Frederick Strauss, the members of the Brooklyn Rapid Transit Company Stockholders' Committee constituted under a deposit agreement dated January 2, 1919, acting as the Committee to effect the reorganization of the Brooklyn Rapid Transit Company and its rapid transit railroad and surface railroad subsidiary companies, transmitting a Plan and Agreement for Reorganization dated March 15, 1923, also presented therewith, and asking for the consideration and formal approval of the

parts of the plan, which require the approval of the Transit Commission and advising that (1) the Plan had been approved by the committees representing the several classes of bonds, notes, stock and other securities of the companies, excepting the committee representing First Consolidated Mortgage 4% Fifty Year Gold Bonds of The Coney Island and Brooklyn Railroad Company (2) the main purposes and object of the proposed reorganization were the funding into long term 6% bonds of over \$60,000,000 of short term obligations; the payment in part and the adjustment of the balance, of accumulated arrears of interest amounting to \$27,000,000; the payment in cash of tort claims for personal injuries, estimated at \$2,200,000; the adjustment of claims of general contract creditors in the amount of \$1,600,000; the payment of receiver's certificates and other prior claims aggregating \$12,000,000; the provision of \$26,000,000 new money which with the cash on hand \$8,000,000 would take care of the cash requirements on reorganization and furnish a \$5,000,000 fund for rapid transit construction and equipment and for working capital; the early termination of the receiverships and the return of property to their owners, (3) the Plan contemplates the formation of a new company to acquire and become vested with the properties, rights, privileges and franchises belonging to the companies, and the formation of a new rapid transit subsidiary company; the ultimate transfer, subject to the necessary arrangements being made, of the power plant properties to the new rapid transit company or to The City of New York, and inclusion thereof as part of the Equipment under Contract No. 4 and allied certificates; (4) of the amount of \$34,000,000 cash requirement, the sum of \$8,000,000 would be available in the hands of the Receiver or in the treasury of the companies not in receivership; the balance of \$26,000,000 to be provided through the sale to the stockholders and to the extent not subscribed by them, to underwriters of 6% Bonds, 6% Preferred Stock and Common Stock of the new company, such offering to the stockholders to be on the basis that each stockholder on payment of \$35 in cash for each share of old stock deposited under the Plan, would receive \$21,875 principal amount of 6% Bonds, \$13,125 par value of 6% Preferred Stock and one share of common stock of the new company; (5) the Plan authorizes the creation of a voting trust for all or any part of the stock of the new company in order, if it should be desired, provision might be made for the representation of the public authorities or of any class of its securities on its board of directors; (6) the Committee had not succeeded in negotiating an arrangement for the acquisition of The Brooklyn City Railroad Company, but the Plan provided that 51% of the stock of said company might be acquired as well as the stock of the Brooklyn, Queens County and Suburban Railroad Company; (7) under the Plan, the new company would have an authorized capital stock consisting of 350,000 shares of preferred stock, without nominal or par value or of the par value of \$100 each, and not exceeding 850,000 shares of common stock without nominal or par value, \$93,000,000 6% Series A Gold Bonds and approximately \$24,000,000 Series A preferred stock; (8) the new rapid transit subsidiary company would have authority to issue First and Refunding mortgage bonds limited in amount to \$50,000,000; (9) the last mentioned Refunding

Mortgage Bonds should be secured by a mortgage constituting a lien upon the properties acquired by such company in the reorganization including the rights existing under Contract No. 4 and allied certificates; (10) pending the consummation of arrangements as contemplated by the Plan for the transfer to The City of New York or to the new rapid transit subsidiary company of the power plant properties, provision was made for the creation of a Power Plant First Mortgage and the issuance of bonds thereunder; (11) the Plan provides that the investments of the new company in the rapid transit properties and the power plant properties be subjected to the lien of the indenture securing its Rapid Transit Security Sinking Fund Gold Bonds.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2679, directing a hearing on said application on April 11, 1923 at 11 A. M., and requiring the publication of notice of said hearing.

403—S. P. 745

New York Consolidated Railroad Company, Lindley M. Garrison, Receiver—Application of Receiver to Put in Effect on Short Notice New Schedule Providing for Operation between Queensborough Bridge Plaza and Ditmars Avenue, Astoria, and between Plaza and Alburtis Avenue, Corona—Special Permission No. 745 Adopted

The Secretary presented a communication, dated March 26, 1923, from the New York Consolidated Railroad Company, by H. A. Crowe, General Passenger Agent for Lindley M. Garrison, Receiver, asking for special permission to put into effect April 8, 1923, new schedule providing for shuttle service, beginning on said effective date, between Queensborough Bridge Plaza and Ditmars Avenue, Astoria, and the Plaza and Alburtis Avenue, Corona, and for transfers to the Sixtieth Street Tunnel line of said company, the new line to be known as the Astoria-Corona Line.

The Secretary also presented his report dated March 27, 1923, recommending that the desired permission be granted.

Thereupon, the Commission adopted Special Permission No. 745, granting the desired permission.

404—R. T. 7419

Contracts Nos. 3 & 4—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Completion of Newsstand Enclosures and Authorizing Appropriation of \$52,316.50—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 16, 1923, was ordered filed:

(Cal. No. 66)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated January 30, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with the Fox, Reynolds Co., Inc., for the completion of newsstand enclosures at stations of the municipal rapid transit railroads (under Contracts Nos. 3 and 4) at an estimated cost of fifty-two thousand three hundred and sixteen dollars and fifty cents (\$52,316.50); without waiving the contention of the City that

chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be fifty-two thousand three hundred and sixteen dollars and fifty cents (\$52,316.50); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding fifty-two thousand three hundred and sixteen dollars and fifty cents (\$52,316.50) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged, to the extent of thirty-seven thousand six hundred and eighty-three dollars (\$37,683) as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3, and to the extent of fourteen thousand six hundred and thirty-three dollars and fifty cents (\$14,633.50) to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 16, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated March 23, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above-mentioned contract approved as to form, was also ordered filed.

405—R. T. 7600

Route No. 52, Section No. 1—Statement as to Execution and Delivery of Original Contract for Construction of Column Foundations—Contract Filed

The Commission ordered filed an original contract dated March 20, 1923, between The City of New York, acting by the Transit Commission and Gustin-Morris Contracting Corporation for the construction of column foundations on Route No. 52, Section No. 1, Flushing Line, which contract had been executed on behalf of both parties and delivered on March 23, 1923.

406—R. T. 7635

Agreement "CE"—Statement as to Execution and Delivery of Original Contract for Changes in Structure of Broadway-Fourth Avenue Line to Permit Widening of Certain Streets in Borough of Manhattan—Contract Filed

The Commission ordered filed an original contract dated March 14, 1923, between The City of New York, acting by the Transit Commission and Benedetto & Saussez, for making alterations in the structure of the Broadway-Fourth Avenue Rapid Transit Railroad at various locations so as to permit the widening of certain streets in the Borough of Manhattan, Agreement "CE," which contract had been executed on behalf of both parties and delivered on March 21, 1923.

407—R. T. 6447

Contract No. 3—Communication from Counsel Transmitting Original Deeds Conveying Sites for Substation Nos. 44 and 48—Filed

A communication was presented from Counsel dated March 20, 1923, transmitting the following original documents:

Deed dated October 13, 1922, from the City Real Estate Company, conveying to The City of New York, a parcel of real estate at River Avenue and East 162nd Street, Borough of The Bronx, known as the site of Substation No. 44, which deed has been recorded in the office of the Register of Bronx County on the 28th day of October, 1922, and indexed under Section No. 9, Block 2493 on the land map of the County of The Bronx.

Deed dated February 18, 1920, from the City Real Estate Company, conveying to The City of New York, a parcel of real estate on the northerly side of Westchester Avenue near St. Peter's Avenue, Borough of The Bronx, known as the site of Substation No. 48, which deed has been recorded in the office of the Register of Bronx County on the 15th day of August, 1922, and indexed under Section No. 15, Block 3974 on the land map of the County of The Bronx, together with a title insurance policy from the Title Guarantee and Trust Company.

The communication and documents were ordered filed.

408—R. T. 6506, 6481, 2628

Contract No. 4—Communication from Depreciation Fund Board as to Use of Funds for Financing Purchase of Fifty New Cars—Filed

The following communication was ordered filed:

March 22, 1923.

TRANSIT COMMISSION,
49 Lafayette Street, City.
Gentlemen:

At a meeting of the Depreciation Fund Board under Contract No. 4 and Allied Certificates held March 20th, the suggested use of depreciation funds for the financing of fifty steel cars which the Transit Commission has directed the New York Consolidated Railroad Company to procure, was discussed. No formal communication to the Board was received, but the matter was brought before it upon a statement by the Secretary that the suggestion had been made informally by the Accounting Department of the Transit Commission, which stated that it had been agreed upon in a conference with the company's representatives.

The Board was unanimously of the opinion that the funds entrusted to its care could not properly be used for any such purpose.

Very truly yours,
JAMES B. WALKER,
Secretary.

Depreciation Fund Board, Contract No. 4
and Allied Certificates

409

Street Changes—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Removal of Sidewalk Encroachments on East 57th Street from Second Avenue to Fifth Avenue, Borough of Manhattan—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 16, 1923, was ordered filed:

(Cal. No. 146)

Whereas, The entire width of East 57th street between 2d avenue and 5th avenue, Borough of Manhattan, is required for public purposes; be it

Resolved, By the Board of Estimate and Apportionment that all ordinances, permits or licenses heretofore adopted or granted by The City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of East 57th street between 2d avenue and 5th avenue, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, By the Board of Estimate and Apportionment that the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or incumbrances in accordance with the foregoing resolution;

except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 16, 1923.

JAMES MATTHEWS,
Assistant Secretary.

410

Employees' Resolution No. 134

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—John M. Gibbons, engineering inspector, at \$150.08 per month, to take effect March 26, 1923; Elmer R. Hauck, engineering inspector, at \$150.08 per month, to take effect March 21, 1923.

Appointment under Rule VIII:4—Benjamin Friedenber, junior assistant, at \$125.08 per month, to take effect March 26, 1923.

Appointment under Rule XIII:4—Andrew Haldane, watchman, at \$3.00 per diem, to take effect March 21, 1923.

Resignations—Mary Cooke, stenographer, at \$90.00 per month, to take effect March 24, 1923; Morris Harkavy, junior assistant, at \$125.08 per month, to take effect March 19, 1923; Irving Munves, draftsman, at \$150.08 per month, to take effect March 21, 1923; Emanuel Willing, junior assistant, at \$125.08 per month, to take effect March 15, 1923.

Termination of Appointment under Rule VIII:4—Charles B. Pinney, junior assistant, at \$125.08 per month, to take effect March 15, 1923.

Leave of Absence with Pay—Curran Rogers, engineering inspector, from December 30, 1922, to December 31, 1922.

Leave of Absence without Pay—Henry O. Huntting, architectural designer, from December 19, 1922, to December 31, 1922.

411

Voucher Schedule No. 13

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York; to the Interborough Rapid Transit Company; or to the Comptroller of The State of New York, as the vouchers may direct:

Vouchers Nos. 296-328, open market orders, \$5,156.13; Vouchers Nos. 167-174, miscellaneous bills, \$1,746.87; Voucher No. ICI-I, \$611.00; Voucher No. 7, special payroll, \$100.00; Voucher No. 52-62, City payrolls, \$85,210.93; Voucher No. CM-6, State payrolls, \$2,541.66.

Estimates of Chief Engineer of Value of Work Done and Material Furnished for Construction of Rapid Transit Railroads for the Periods Indicated Below:

Voucher No. 77; Patrick McGovern, Inc.; final estimate for the completion of construction of Section No. 2 of Route No. 8, to October 31, 1922 (R.T. 7092) \$63,318.93.

This voucher supersedes Transit Commission Voucher No. 57 for the same amount; Voucher No. 78; Eppinger & Russell Co., final estimate for the supply of treated ties, Order No. 6 for use in the construction of a part of the Fourteenth Street-Eastern Line (R.T. 7503) \$7,570.36;

Voucher No. 79; Rosenthal Engineering Contracting Company, approximate estimate No. 1 for construction of foundations for third addition to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from December 26, 1922 to March 20, 1923 (R.T. 7589) \$8,872.35.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, March 28, 1923

412

Hearing

The following hearing was held:

2:30 P. M.; Case No. 2674; Brooklyn Eastern District Terminal; application for approval of proceedings to condemn real property located at No. 80 Kent Avenue, Brooklyn. George O. Redington, Counsel, presided. Adjourned to March 30, 1923, at 2:30 P. M.

JAMES B. WALKER,

Secretary.

Proceedings for Thursday, March 29, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

413—R. T. 7642

Agreement "CK"—Receipt of Bids for Excavation and Construction of Retaining Wall at Lenox Avenue Yard—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the excavation and the construction of a retaining wall at the Lenox Avenue Yard, Seventh Avenue between 148th and 150th Streets, Borough of Manhattan, Agreement "CK", had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received.

The Secretary presented the proper affidavits of publication and opened the box and read the eleven bids received.

The bids were then referred to the Chief Engineer.

JAMES B. WALKER,

Secretary.

Proceedings for Friday, March 30, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

414—R. T. 7648

Order No. 8—Receipt of Bid for Supply of Ties and Timber—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the supply of ties and timber Order No. 8 for use in the construction of rapid transit railroads, had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The

March 30, 1923]

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Secretary presented the proper affidavits of publication and opened the box and read the one bid received. The bid was then referred to the Chief Engineer.

410

Hearing

The following hearing was held:

2:30 P. M.; Case No. 2674; Brooklyn Eastern District Terminal; application for approval of proceedings to condemn real property located at No. 80 Kent Avenue, Brooklyn. George O. Redington, Counsel, presided. Adjourned to April 3, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street

Borough of Manhattan, City of New York

Proceedings for Tuesday, April 3, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

416—R. T. 7642

Agreement "CK"—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders for Excavation and Construction of Retaining Walls at Lenox Avenue Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on March 29, 1923 for excavation and construction of retaining walls at the Lenox Avenue Yard, Seventh Avenue between 148th and 150th Streets, Agreement "CK," the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of One thousand dollars (\$1,000) deposited with their bids.

417—R. T. 7640

Order No. 8—Report by Chief Engineer as to Receipt of Bid for Supply of Ties and Timber and Recommendation for Award of Contract to Alfred R. Sax Lumber Co. at Bid Price of \$18,603.00—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$20,000.00

The following report was approved:

April 3, 1923.

To TRANSIT COMMISSION:

Proposed Contract for the Supply of Ties and Timber, Order No. 8

One bid was received on March 30, 1923, for the supply of ties and timber, Order No. 8, as follows:

Alfred R. Sax Lumber Co.....\$18,603.00

In view of the fact that their price is reasonable and of the excellent performance of this same firm under the contract for the supply of ties and timber Order No. 7 aggregating about \$93,500, I believe that the contract should be awarded to them. Our engineer's estimate for Order No. 8 amounted to \$19,675.65. This proposed contract will provide ties and timber for the completion of the Jerome Ave. Yard and for the tracks on the new steel about to be erected by the Jobson-Gifford Company near Queens Plaza, so that it should be entered into as soon as possible.

The contract provides for possible increase in the quantities shown in the Contractor's proposal and permits us to designate different delivery points. There is also a possibility in case we do not have an installation contractor in the field to receive it, that the material will have to be piled at extra expense. An amount in excess of the net amount of the bid may therefore be needed to cover these contingencies.

Recommendation: That the contract be awarded to Alfred R. Sax Lumber Company at their price of \$18,603 and that \$20,000 be requested from the Board of Estimate and Apportionment divided \$10,500 to Contract 3 and \$9500 to Contract No. 4.

ROBERT RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, Pursuant to a resolution adopted by this Commission February 27, 1923 and subsequent to advertisement duly made a bid totalling as follows was received for the supply of ties and timber (Order No. 8) for use in the construction of rapid transit railroads:

Alfred R. Sax Lumber Co.....\$18,603.00

: and

Whereas, The Chief Engineer of this Commission, by communication dated April 3, 1923, has reported that the amount of said low bid of Alfred R. Sax Lumber Co. is reasonable and that said company is financially able and competent to perform the work under said proposed contract and has recommended the award thereof to it and the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of \$20,000, the amount estimated to be necessary to carry out said proposed contract on the part of the City,

Resolved, That said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Alfred R. Sax Lumber Co., submitted as aforesaid, be and the same hereby is accepted and that said proposed contract for the supply of ties and timber (Order No. 8) for use in the construction of rapid transit railroads, be and the same hereby is awarded to the said Alfred R. Sax Lumber Co., subject to its being approved and consented to in form and substance as required by law and that the said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel, for the consent of said Board and the appropriation of the said sum of \$20,000, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 3, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.
Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Alfred R. Sax Lumber Co., for the supply of ties and timber (Order No. 8) for use in the construction of rapid transit railroads, together with a requisition upon your Honorable Board for the appropriation of the sum of Twenty thousand dollars (\$20,000), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Public advertisement has been duly made for proposals for said proposed contract and a bid was received by this Commission on March 30, 1923 totalling as follows:

Alfred R. Sax Lumber Co.....\$18,603.00

The Chief Engineer of this Commission in a communication dated April 3, 1923, reports that the bid of Alfred R. Sax Lumber Co., the low bidder, is reasonable and that said company is competent and financially capable of carrying out the provisions of said proposed contract, and the Transit Commission has accepted the said bid and awarded said proposed contract to Alfred R. Sax Lumber Co., subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Twenty thousand dollars (\$20,000), (the additional sum over the amount of the low bid being requested for the reason that in work of this character the experience of this Commission has shown that an amount slightly in excess of the net amount of the bid is usually required to take care of slightly increased quantities, changes in delivery points, etc.), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Twenty thousand dollars (\$20,000).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater

New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of executing said proposed contract.

This requisition, to the extent of Ten thousand five hundred dollars (\$10,500), is a subrequisition under and not in addition to the requisition heretofore made upon your Honorable Board for the purposes of carrying out the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, and the appropriations made in pursuance thereof, and to the extent of Nine thousand five hundred dollars (\$9,500) is a subrequisition under and not in addition to the requisitions heretofore made upon your Honorable Board for the purposes of carrying out the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY, Chairman.

418—R. T. 7638

Order No. 22—Report by Chief Engineer as to Receipt of Bids for Supply of Special Work and Track Fittings and Recommendation for Award of Contract to Railway Switch & Crossing Corporation at Bid Price of \$26,899.12—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$28,000.00

The following report was approved:

April 3, 1923.

To: THE TRANSIT COMMISSION.

Proposed Contract for the Supply of Special Work and Track Fittings, Order No. 22.

As reported in my letter of March 17, 1923, bids for supply of Special Work, Order No. 22 opened on March 16th, resulted, as follows:

Railway Switch & Crossing Corporation.....	\$26,899.12
William Wharton Jr. & Company, Inc.....	43,623.52
Bethlehem Steel Company.....	45,009.72
Ramapo Ajax Corporation.....	45,033.11

The Railway Switch & Crossing Corporation, the lowest bidder have never before submitted a bid on our special work. It is a recently organized concern, who state that they intend to take up this class of work vigorously. In spite of their very low bid and inexperience, I have concluded to recommend the award of the contract to them. Investigation of their plant facilities and financial resources and statements of their executive officers that they can and will produce the materials within the contract times, has led me to this conclusion.

Our experience in the past has been that an amount in excess of the net amount of the order is very often needed to take care of slightly increased quantities, changes in delivery points, etc., as provided in the contract so that an increased amount should be requisitioned. This order will provide materials principally for use in the tracks to be installed on the new steel about to be erected in the vicinity of Queens Plaza and to supplement materials on hand for the Jerome Avenue Yard, the 239th Street Yard and the 14th Street-Eastern Tunnels.

Recommendation: That the contract be awarded to the Railway Switch & Crossing Corporation at their bid price of \$26,899.12 and that a sum of \$28,000.00 be requisitioned from the Board of Estimate and Apportionment, divided \$24,400.00 to Contract No. 3 and \$3,600.00 to Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, Pursuant to a resolution adopted by this Commission on February 27, 1923, and subsequent to advertisement duly made bids respectively totalling as follows were received for the supply of Special Work and Track Fittings (order No. 22) for use in the construction of various parts of the Dual System of municipal rapid transit railroads:

Railway Switch & Crossing Corporation.....	\$26,899.12
William Wharton Jr. & Company, Inc.....	43,623.52
Bethlehem Steel Company.....	45,009.72
Ramapo Ajax Corporation.....	45,033.11

; and

Whereas, The Chief Engineer of this Commission, by communication dated April 3, 1923, has reported that the amount of said low bid of Railway Switch & Crossing Corporation is reasonable and that said company is financially able and competent to perform the work under said proposed contract and has recommended the award thereof to it and the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of \$28,000, the amount estimated to be necessary to carry out said proposed contract on the part of the City,

Resolved, That said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Railway Switch & Crossing Corporation, submitted as aforesaid, be and the same hereby is accepted and that said proposed contract for the supply of Special Work and Track Fittings (Order No. 22) for use in the construction of various parts of the Dual System of municipal rapid transit railroads, be and the same hereby is awarded to the said Railway Switch and Crossing Corporation, subject to its being approved and consented to in form and substance as required by law and that the said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel, for the consent of said Board and the appropriation of the said sum of \$28,000, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 3, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Railway Switch & Crossing Corporation, for the supply of Special Work and Track Fittings (Order No. 22) for use in the construction of various parts of the Dual System of municipal rapid transit railroads, together with a requisition upon your Honorable Board for the appropriation of the sum of Twenty-eight thousand dollars (\$28,000), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Public advertisement has been duly made for proposals for said proposed contract and bids were received by this Commission on March 16, 1923, respectively totalling as follows:

Railway Switch & Crossing Corporation.....	\$26,899.12
William Wharton Jr. & Company, Inc.....	43,623.52
Bethlehem Steel Company.....	45,009.72
Ramapo Ajax Corporation.....	45,033.11

The Chief Engineer of this Commission, in a communication dated April 3, 1923, reports that the bid of Railway Switch & Crossing Corporation, the low bidder, is reasonable and that said company is competent and financially capable of carrying out the provisions of said proposed contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the Railway Switch & Crossing Corporation, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Twenty-eight thousand dollars (\$28,000), (the additional sum over the amount of the low bid being requested for the reason that in work of this character the experience of this Commission has shown that an amount slightly in excess of the net amount of the bid is usually required to take care of slightly increased quantities, changes in delivery points, etc.), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Twenty-eight thousand dollars (\$28,000).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater

New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of executing said proposed contract.

This requisition, to the extent of Twenty-four thousand four hundred dollars (\$24,400), is a subrequisition under and not in addition to the requisitions heretofore made upon your Honorable Board for the purposes of carrying out the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, and the appropriations made in pursuance thereof, and to the extent of Three thousand six hundred dollars (\$3,600) is a subrequisition under and not in addition to the requisitions heretofore made upon your Honorable Board for the purposes of carrying out the contract dated March 19, 1913, between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4.

TRANSIT COMMISSION,

By GEORGE McANENY, Chairman.

419—R. T. 7642

Agreement "CK"—Report by Chief Engineer as to Receipt of Bids for Excavation and Construction of Retaining Wall at Lenox Avenue Yard and Recommendation for Award of Contract to Fox, Reynolds Co., Inc., at Bid Price of \$79,781.50—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

April 2, 1923.

To TRANSIT COMMISSION:

Award of Contract for Work under Agreement "CK" to Fox, Reynolds Co., Inc.

On March 29, 1923, ten (10) bids were received for work under Agreement "CK," Excavation and the Construction of a Retaining Wall at the Lenox Avenue Yard, 7th Avenue between 148th and 150th Streets, Manhattan, the lowest bidder being Fox, Reynolds Co., Inc., whose bid amounted to \$79,781.50. The next to the lowest bidder was C. L. Dooley Co., whose bid amounted to \$79,883.10. The highest bidder was M. A. Charles, whose bid amounted to \$122,185. Our estimate for this work amounted to \$103,574.50.

I have examined the unit prices bid by Fox, Reynolds Co., Inc., and find them reasonable under present conditions. This corporation has not previously done any work for the Commission. Henry E. Fox, one of the members of this corporation, had charge of the subway work for the U. S. Realty Co. in finishing up its contract for subway, Route 4 & 36, Section 2 of the Municipal Broadway subway and on Route 4 & 38, Sections 4 & 5 of the I. R. T. Seventh Avenue Subway. Mr. Fox has done considerable work for other City departments. He had a contract for the Board of Water Supply and the Chief Engineer of that Department says he completed the contract but was very slow in his work. Mr. Fox also had a contract for the Department of Water Supply, Gas & Electricity under the name of Henry E. Fox Constr. Co., which work was not done to the satisfaction of that Department and Henry E. Fox Constr. Co. was declared in default. In 1916, Mr. Fox had a contract in connection with the 59th Street power plant for the Interborough Company. The engineers of that Company advise me that while he was very slow in carrying out the work he completed the job satisfactorily notwithstanding the great difficulties encountered, conditions due to the war, and in spite of the probability, as stated by the engineers, that he lost money on his contract. It was awarded the contract for Completion of News-stand Enclosures, Contracts Nos. 3 and 4 which has just been delivered.

Attached I send you copy of minutes of a conference held in my office on March 30, 1923 with Mr. Henry E. Fox, representing the lowest bidder. It will be noted therein that the present financial condition is about the same as on January 29, 1923 when he was examined in connection with Completion of News-stand Enclosures, Contracts Nos. 3 and 4, excepting that it has acquired some machinery.

Recommendation: From an engineering standpoint, I respectfully recommend that contract for Agreement "CK," Excavation and the Construction of a Retaining Wall at the Lenox Avenue Yard, 7th Avenue between 148th and 150th Streets, Manhattan, be awarded to the lowest bidder, Fox, Reynolds Co. Inc. at its bid figure of \$79,781.50 and that a requisition be made on the Board of Estimate and Apportionment for the appropriation of this amount which should be charged to Contract No. 3.

ROBT. RIDGWAY,

Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract (Agreement "CK") for the excavation and the construction of a retaining wall at the Lenox Avenue Yard, Seventh Avenue between 148th and 150th Streets, the Borough of Manhattan, City of New York, was heretofore approved and finally adopted by this Commission and subsequent to public advertisement duly made bids respectively totalling as follows were received on March 29, 1923:

Fox, Reynolds Co., Inc.....	\$79,781.50
C. L. Dooley Company.....	79,883.10
Michael Del Balso.....	81,500.50
Ryan, Baker Const. Co., Inc.....	85,006.90
O'Connell & Strada, Inc.....	89,741.00
Gustin-Morris Contrg. Corp.....	92,229.50
Slattery Engr. & Constr. Co., Inc.....	93,637.50
Rosenthal Engr. & Contrg. Co., Inc.....	98,668.00
Benedetto, Saussez & Bottino.....	99,788.00
Jacob Schlesinger, Inc.....	101,881.40
M. A. Charles.....	122,185.00

; and

Whereas, The Chief Engineer of this Commission by communication dated April 2, 1923 has reported that the amount of the low bid is reasonable and that the said Fox, Reynolds Co., Inc., is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of \$79,781.50 being the amount estimated to be necessary to meet the obligations of the City under said proposed contract,

Resolved, That said report and recommendation of the Chief Engineer be and the same hereby are approved; that the bid of Fox, Reynolds Co., Inc., be and the same hereby is accepted and that the said proposed contract (Agreement "CK") for the excavation and the construction of a retaining wall at the Lenox Avenue Yard, Seventh Avenue between 148th and 150th Streets, the Borough of Manhattan, City of New York, be and hereby is awarded to said Fox, Reynolds Co., Inc., subject to its being consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation in the sum of \$79,781.50 estimated to be necessary to meet the obligations of the City under said proposed contract be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 3, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Fox, Reynolds Co., Inc., for the excavation and the construction of a retaining wall at the Lenox Avenue Yard, Seventh Avenue between 148th and 150th Streets, the Borough of Manhattan, City of New York, together with a requisition upon your Honorable Board for the appropriation of the sum of Seventy-nine Thousand Seven hundred and eighty-one Dollars and Fifty Cents (\$79,781.50), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on March 29, 1923, respectively totalling as follows:

Fox, Reynolds Co., Inc.....	\$79,781.50
C. L. Dooley Company.....	79,883.10
Michael Del Balso.....	81,500.50
Ryan, Baker Const. Co., Inc.....	85,006.90
O'Connell & Strada, Inc.....	89,741.00

Gustin-Morris Contrg. Corp.....	\$92,229.50
Slattery Engr. & Constr. Co., Inc.....	93,637.50
Rosenthal Engr. & Contrg. Co., Inc.....	98,668.00
Benedetto, Saussez & Bottino.....	99,788.00
Jacob Schlesinger, Inc.....	101,881.40
M. A. Charles.....	122,185.00

The Chief Engineer of this Commission, in a communication dated April 2, 1923, reports that the bid of Fox, Reynolds Co., Inc., the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the said Fox, Reynolds Co., Inc. subject to its being approved and consented to in form and substance, as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit; the sum of Seventy-nine thousand, Seven hundred and eighty-one Dollars and Fifty Cents (\$79,781.50), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Seventy-nine Thousand, Seven hundred and eighty-one Dollars and Fifty Cents (\$79,781.50).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a subrequisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3 and the appropriations made thereunder by your Honorable Board.

TRANSIT COMMISSION,

By GEORGE McANENY,

Chairman.

420—R. T. 6583

Route No. 16—Communication from Board of Estimate and Apportionment Submitting Copy of Opinion of Corporation Counsel with Respect to Transfer of Sum of \$40,000 to Department of Water Supply, Gas and Electricity for Changing Water Mains on Jerome Avenue—Certificate by Chief Engineer as to Necessity for Relocating Mains—Approval Resolution—Communication to Board of Estimate and Apportionment

A communication was presented from the Board of Estimate and Apportionment by James Matthews, Assistant Secretary, dated March 16, 1923, transmitting a copy of an opinion by the Corporation Counsel dated March 5, 1923, with respect to the transfer of the sum of \$40,000 to the Department of Water Supply, Gas and Electricity for changing water mains on Jerome Avenue north of Kingsbridge Road, stating that before the transfer of funds could be made there must be a finding based on pertinent facts and evidenced by a resolution of the Transit Commission that the water mains in their present location are a danger and a menace to the safety and stability of the elevated structure.

A report was presented from the Chief Engineer, dated March 27, 1923, certifying as to the necessity for changing the location of the mains.

The following resolution was adopted:

Whereas, By communication dated June 21, 1922 this Commission made requisition upon the Board of Estimate and Apportionment for the transfer of \$40,000 from Rapid Transit Funds to the Department of Water Supply, Gas & Electricity of The City of

New York for the purpose of relocating water mains under and along Jerome Avenue where they are below and contiguous to the elevated column footings of the municipal elevated rapid transit railroad over and along said Jerome Avenue; and

Whereas, By action taken by said Board of Estimate and Apportionment on March 16, 1923 the said matter was referred back to this Commission in view of the findings of the Corporation Counsel as set forth in his opinion dated March 5, 1923; and

Whereas, The Chief Engineer of this Commission has by communication dated March 27, 1923 reported with respect to said matter and states that the location of the old water mains in service close to and at a lower level than a large number of column footings of the municipal elevated rapid transit railroad over and along Jerome Avenue constitutes a menace to the safety of the municipal elevated railroad structure and to the operation of the same and recommends that such be certified to the Board of Estimate and Apportionment,

Resolved, That said report and recommendation be and the same hereby is approved; that this Commission hereby certifies to the Board of Estimate and Apportionment of The City of New York that upon the findings based on the pertinent facts as set forth in the said report of the Chief Engineer of this Commission, that this Commission is of the opinion and believes that the water mains in their present location under and along Jerome Avenue where contiguous to and below the column footings of the municipal elevated railroad over and along Jerome Avenue are a danger and a menace to the safety and stability of said elevated structure and that a communication and requisition in pursuance thereof be transmitted to the said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 3, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Under date of June 21, 1922 the Transit Commission advised your Honorable Board as follows:

"By resolution adopted by your Honorable Board on December 21, 1917 (Cal. No. 106) there was transferred from the appropriations made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, the sum of Fifteen thousand dollars (\$15,000) for the purpose of correcting the dangerous condition existing in a 36" water main on Jerome Avenue at or near Burnside Avenue in the Borough of The Bronx.

The Chief Engineer of this Commission, in a communication dated June 15, 1922, has reported with respect to the general situation arising from the contiguity of other water mains to the column foundations of the Jerome Avenue Elevated Rapid Transit Railroad, as follows:

"On April 25, 1922, I submitted to you a report on the deep water mains on Jerome Avenue which are located below the elevated column footings. As stated therein, the Public Service Commission transferred on December 21, 1917, \$15,000.00 to the Department of Water Supply toward the cost of raising about 1715 feet of 36-inch water main on Jerome Avenue between 179th and 181st Streets. Although this work has not been done as yet by the Department of Water Supply, the main is at present out of service and is to remain out of service until prices become lower. On account of war conditions and high prices, this work has been deferred by the Department of Water Supply with our consent.

North of Kingsbridge Road, there are two lines of 36-inch water mains, each about 1900 feet long, making a total of about 3800 feet of 36-inch main which lie below the column footings. These mains are in service and are essential to the distribution system. Furthermore they are old and do not conform to the present standards, particularly in that the joints are not as tight as those now used. Several leaks have occurred in the past in these mains. A serious break occurred on November 27, 1920, which gave us considerable concern for the safety of the structure. It is, therefore, desirable to have these mains either raised above the column footings or replaced by new mains at the normal depth.

In my previous report to you, I recommended that the same arrangement be made in this case with the Department of Water Supply as was done with the main between 179th and 181st Streets, namely: that the Commission arrange with the Department of Water Supply to have the two mains on Jerome Avenue, north of Kingsbridge Road, raised above the bottom of the column footings or replaced with new mains at a higher level, and that the Commission arrange for the transfer to the Department of Water Supply of a sum not exceeding the estimated cost of safeguarding the footings as its contribution toward this work.

Since then this office conferred with representatives of the Department of Water Supply and we have agreed with them that about \$40,000 would be the cost of protecting the column footings which are now above the water mains north of Kingsbridge Road, if the water mains are not raised or abandoned. It is, therefore, recommended;—

Recommendation: That the Commission arrange to transfer from Rapid Transit Funds \$40,000 to the Department of Water Supply, Gas & Electricity in order that the Department may either raise the two lines of water mains on Jerome Avenue, north of Kingsbridge Road, which are below the elevated column footings or else abandon these mains by replacing them with new mains at the normal depth.

The Transit Commission, believing that the hazard arising from the situations enumerated should be speedily removed, has approved the recommendation of the Chief Engineer aforesaid and accordingly requests your Honorable Board, pursuant to the provisions of the Rapid Transit Act, to transfer for said purposes to the Department of Water Supply, Gas and Electricity the sum of Forty thousand dollars (\$40,000). This does not include the Fifteen thousand dollars (\$15,000) heretofore appropriated. Although not used as yet this appropriation should not be interfered with as it is expected that the work for which said sum was appropriated will be initiated and completed within a short time."

and made requisition upon your Honorable Board for the appropriation of the sum of Forty Thousand Dollars (\$40,000) to be a subrequisition under the appropriation made for the contract dated March 19, 1913, known as Contract No. 3 and to transfer said sum to the Department of Water Supply, Gas and Electricity for the purposes enumerated in the Chief Engineer's recommendation as therein set forth.

Your Honorable Board by communication dated March 16, 1923 referred said matter back to this Commission in view of the recommendation of the Corporation Counsel made in his opinion dated March 5, 1923 with respect to the subject wherein in part he stated:

"In view of this situation, I am of opinion that before this \$40,000 can be transferred from the Rapid Transit Fund there must be a finding based on pertinent facts and evidenced by a resolution of the Transit Commission that the water mains in their present location are a danger and a menace to the safety and stability of the elevated structure."

The Chief Engineer of this Commission in a communication dated March 27, 1923 had advised this Commission and recommended as follows:

"This refers to letter of March 16, 1923, from the Board of Estimate to the Commission, relative to the water mains on Jerome Avenue. The opinion of the Corporation Counsel to the Board of Estimate on this matter is attached thereto.

In a communication dated June 21, 1922, this Commission requested the Board of Estimate to transfer to the Department of Water Supply, Gas & Electricity \$40,000 from Rapid Transit Funds in order that the Department may either raise two lines of 36-inch water mains on Jerome Avenue north of Kingsbridge Road which are below the elevated column footings, or else abandon these mains by replacing them with new mains at the normal depth. The sum of \$40,000 represents the estimated cost of protecting the column footings which are now above the water mains. It is estimated that the cost of laying new pipes or raising the existing pipes will be considerably greater than this amount.

The Corporation Counsel quotes the opinion of the Commissioner of the Department of Water Supply, Gas & Electricity, which briefly is: There are other portions of the mains not below the column footings which are deep and should be relocated nearer to the street surface; that it would be an advantage to the City to have the water mains nearer to the street surface on account of the expenses which are incurred for their repair due to deep cover; that the

Transit Commission is aware of the necessity of the relocation of these mains and has therefore probably consented in the interest of the city to the transfer of \$40,000 to the credit of the Water Supply Department toward the relocation of the mains and that the Department of Water Supply shall obtain the balance required for this work and that the entire work of relocating the water mains shall be done by the Department of Water Supply, Gas & Electricity.

The Corporation Counsel then concludes that before the \$40,000 can be transferred 'there must be a finding based on pertinent facts and evidences by a resolution of the Transit Commission that the water mains in their present condition are a danger and menace to the safety and stability of the elevated structure.'

North of Kingsbridge Road on Jerome Avenue there are about 72 columns which have footings close to the existing 36-inch water mains and the bottoms of these footings are as much as 10-feet above the mains. The water mains in question along Jerome Avenue are old and do not conform to the present standards of the Department of Water Supply, Gas & Electricity, particularly in that their joints are not as secure as those that are now used. In the past several leaks have occurred in these mains. A break occurred on November 27, 1920, which gave us considerable concern for the safety of the elevated structure. Should a bad break occur, the structure might be undermined and traffic thereon be endangered. The mains north of Kingsbridge Road, we understand, are essential to the distribution system and consequently their service cannot be discontinued unless they are replaced by other mains.

In view of the foregoing, I consider that the location of the old water mains in service close to and at a lower level than a large number of column footings constitutes a menace to the safety of the elevated structure and to the operation of same. It is important, therefore, that this menace should be removed as soon as possible.

Recommendation: I respectfully recommend that the Commission adopt and forward to the Board of Estimate and Apportionment such a resolution as is suggested by the Corporation Counsel in his communication to the Board of March 5, 1923 stating that it is the Commission's opinion that the water mains in their present location are a danger and a menace to the safety and stability of the elevated structure."

The Transit Commission has accordingly adopted a resolution, a certified copy of which is transmitted herewith, approving said report and recommendation of the Chief Engineer and upon the findings therein set forth hereby certifies to your Honorable Board that in the opinion of this Commission the said water mains in their said location are a danger and a menace to the safety and stability of the municipal elevated structure and should be removed as the Chief Engineer suggests.

The Commission accordingly renews its application for the appropriation of the sum of Forty Thousand Dollars (\$40,000) for the purposes set forth in its communication of June 21, 1922, said sum to be deducted from the appropriations heretofore made by your Honorable Board for the purposes of carrying out the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3 and to transfer said sum aforesaid to the Department of Water Supply, Gas & Electricity for the purposes enumerated in the Chief Engineer's recommendation herein set forth.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

421—R. T. 5006

Agreement "CI"—Form of Contract, Specifications, Invitation to Contractors, etc., for Making Test Borings on Sites of Proposed Coney Island Yard, Westchester Avenue Yard and Extension of Seventh Avenue Route under Central Park—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Con-

tract Drawings (Agreement "CI"), for making borings on the sites of the proposed Coney Island Yard, Borough of Brooklyn and proposed Westchester Avenue Yard, Borough of The Bronx, and along proposed extension to the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park between Seventh Avenue and Central Park West, Borough of Manhattan,

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings (Agreement "CI"), for making borings on the sites of the proposed Coney Island Yard, Borough of Brooklyn and proposed Westchester Avenue Yard, Borough of The Bronx, and along proposed extension to the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park between Seventh Avenue and Central Park West, Borough of Manhattan, be and hereby are approved and adopted and that said Invitation to Contractors be published in the CITY RECORD every day of publication continuously from and including April 5, 1923 to and including April 19, 1923 and on April 9, 1923 and April 16, 1923 in THE BROOKLYN DAILY EAGLE and THE BROOKLYN DAILY TIMES, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 19th day of April, 1923 at eleven-thirty (11:30) o'clock a. m., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission at the office of the Transit Commission, and read.

422—R. T. 6416

Routes Nos. 36 & 37—Resolution Declaring Certain Tracks Ready for Operation in the Vicinity of Queensboro Plaza Station—Adopted

The following resolution was adopted:

Resolved, That under and in pursuance of the provisions of the contract dated March 19, 1913, made between the City of New York, acting by the Public Service Commission for the First District and the New York Municipal Railway Corporation, known as Contract No. 4 this Commission hereby declares the following portions of the Railroad, as described in said Contract No. 4 to be ready for operation at 12:01 o'clock A. M. on April 8, 1923,

Track A—upper level of the Queensboro Plaza Station from a point west of station at Track E (approximately general stationing Lines Y & I 162+20) easterly through the station to a point at or near Jackson Avenue (approximate general stationing Lines Y & I—174+73).

Track B—lower level of the Queensboro Plaza Station from a connection at Track F west of station at Special Work Portion 413 (approximate general stationing Lines Y & I 162+81) easterly through the station to a point at or near Jackson Avenue (approximate general stationing Lines Y & I—175+22).

A diamond crossover at North Jane Street and Van Alst Avenue approximately 975 feet west of west end of Queensboro Plaza Station between approximate stations 111+98 and 113+28—tracks 1 & 2—general stationing Line G.

The above to include all frogs and switches within the limits described.

Resolved, That this Commission do and hereby does direct the Receiver of New York Consolidated Railroad Company and/or said New York Consolidated Railroad Company to commence operation at 12:01 o'clock A. M. on April 8, 1923 of the said portions of the Railroad so declared ready for operation.

423—R. T. 7601

Route No. 52, Section No. 1—Report by Chief Engineer as to Modifications in Plans for Furnishing and Erecting Structural Steel—Resolution Authorizing Discontinuance of Publication of Invitation for Bids

A report was presented from the Chief Engineer, dated March 20, 1923, with respect to certain modifications in the contract drawings for furnishing and erecting structural steel for Section No. 1 of Route No. 52, and recommending that the publication of the invitation for bids be temporarily discontinued.

The following resolution was adopted:

Whereas, By resolution adopted March 13, 1923 this Commission directed the re-advertisement of the invitation to Contractors forming part of the proposed contract for

furnishing and erecting structural steel for a part of the rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, as finally adopted by this Commission on November 28, 1922 by the publication thereof in the CITY RECORD and daily newspapers, as more particularly therein set forth; and

Whereas, The Chief Engineer of this Commission, by communication dated March 20, 1923, has reported that certain modifications will be necessary in the drawings forming part of said contract for such work and has recommended that the publication of such notice be discontinued,

Resolved, That the publication of said Invitation to Contractors, as required by said resolution of March 13, 1923, be discontinued and that the further publication of said invitation to Contractors be held in abeyance until the completion of such revised plans.

424—R. T. 7648

Agreement "CJ"—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Concrete Steel Highway Bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings (Agreement "CJ") for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn,

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings (Agreement "CJ") for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, be and hereby are approved and adopted and that said Invitation to Contractors be published in the CITY RECORD every day of publication continuously from and including April 5, 1923 to and including April 19, 1923 and on April 9, 1923 and April 16, 1923 in THE BROOKLYN CITIZEN and THE STANDARD UNION, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 19th day of April, 1923 at eleven-thirty (11:30) o'clock a. m., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

425—R. T. 7603

Route No. 52, Section No. 3—Resolution Approving Sureties upon Bond in the Sum of \$100,000 Deposited by Contractor for Construction of Part of Flushing Line—Adopted

The following resolution was adopted:

Resolved, That the Fidelity and Deposit Company of Maryland and Globe Indemnity Company be and hereby are approved as sureties upon the bond in the sum of One hundred thousand (\$100,000) dollars, deposited by Oakdale Contracting Company, Inc. as security for the faithful performance of the contract for the construction of Section No. 3 of Route No. 52, of the Flushing Line, each of said sureties being held and bound in the sum of Fifty thousand (\$50,000) dollars.

426—R. T. 5058

Fourth Avenue Subway—Communication from Windsor Place Taxpayers' Association Requesting that 9th Street Station be Changed from Local to Express Stop—Report by Chief Engineer Recommending that Change be Not Made—Report Approved

A communication was presented from the Windsor Place Taxpayers' Association by William B. Klein, President, dated January 13, 1923, requesting that consideration be

given in future plans with a view of changing the 9th Street station of the Fourth Avenue subway from a local to an express stop.

A report was presented from the Chief Engineer dated February 6, 1923, recommending that the change be not made.

Upon motion, duly seconded and adopted, the report was approved.

427—R. T. 7489

Route No. 46—Report by Real Estate Clerk Recommending Sale at Public Auction of Property at Southwest Corner of St. Felix and Fulton Streets, Borough of Brooklyn, at Upset Price of \$70,000—Communication to Commissioners of Sinking Fund—Approved

A report was presented from the Real Estate Clerk dated April 2, 1923, recommending that a request be made to the Commissioners of the Sinking Fund to approve the sale at public auction of the property at the southwest corner of St. Felix and Fulton Streets, Borough of Brooklyn, at an upset price of \$70,000.

The following communication was approved:

April 3, 1923.

COMMISSIONERS OF THE SINKING FUND
OF THE CITY OF NEW YORK,
Municipal Building,
New York City, N. Y.

Sirs:

Under the provisions of Subdivision 2 of Section 39 of the Rapid Transit Act it becomes the duty of the Transit Commission whenever any property which The City of New York shall have acquired, as provided in said Act, shall be unnecessary for rapid transit purposes, to sell and convey the same in behalf of the City; but it is provided that no sale or conveyance shall be made except with the approval of the Commissioners of the Sinking Fund of the City.

Heretofore, on the 5th day of June, 1916, The City of New York acquired by condemnation proceedings, pursuant to the Rapid Transit Act, for the purposes of construction, maintenance and operation of a portion of the Broadway-Fourth Avenue Rapid Transit Railroad known as Route No. 12, Section No. 1, an estate in fee simple to a parcel of land situated on the southwesterly corner of Fulton Street and St. Felix Street, in the Borough of Brooklyn, and known as Lot 12, Block 2108, Section 7, on the land map of the County of Kings. The premises contain 6445.7 square feet and are bounded as follows:

Beginning at the point formed by the intersection of the southwesterly line of Fulton Street with the westerly line of St. Felix Street; thence southerly along the said westerly line of St. Felix Street a distance of fifty-four (54) feet five and three-quarters ($5\frac{3}{4}$) inches; thence westerly along a course drawn at right angles to said westerly line of St. Felix Street a distance of ninety-one (91) feet five and three-quarters ($5\frac{3}{4}$) inches; thence northerly along a course making on the easterly side thereof an angle of ninety degrees (90°) with the course last above described a distance of thirty-nine (39) feet six (6) inches; thence northeasterly along a course making on the southeasterly side thereof an angle of one hundred forty-three degrees thirty-six minutes twenty-seven seconds ($143^\circ 36' 27''$) with the course last above described and part of the distance through a party wall sixty-six (66) feet four (4) inches to the southwesterly line of Fulton Street; thence southeasterly along the said southwesterly line of Fulton Street a distance of sixty-four (64) feet nine (9) inches to the point or place of beginning, be the said dimensions more or less.

The said property is no longer needed for rapid transit purposes and may be sold upon such terms as will adequately safeguard the maintenance and operation of the rapid transit railroad structure through and under a portion of said property, having an area of approximately 1,063.7 square feet, the easement for which rapid transit railroad structure is more clearly defined as follows:

Description by Easement

Beginning at the point formed by the intersection of the southwesterly line of Fulton Street with the westerly line of St. Felix Street; thence southerly along the said westerly line of St. Felix Street a distance of fifty-four (54) feet five and three-quarters ($5\frac{3}{4}$) inches; thence westerly along a course drawn at right angles to the said westerly line of St. Felix Street a distance of one (1) foot; thence northwesterly a distance of fifty (50) feet one and one-half ($1\frac{1}{2}$) inches; thence northwesterly along a course making the northeasterly side thereof an angle of one hundred ninety degrees thirty-one minutes fifty-eight seconds ($190^{\circ} 31' 58''$) with the course last above described a distance of forty-nine (49) feet one and one-half ($1\frac{1}{2}$) inches to the southwesterly line of Fulton Street; thence southeasterly along the southwesterly line of Fulton Street a distance of fifty-six (56) feet nine (9) inches to the point or place of beginning, be the said dimensions more or less.

The vertical limits of the easement to extend to a horizontal plane twelve (12) feet below the elevation of the westerly curb line on St. Felix Street, said curb elevation being taken at the point opposite the intersection of the southwesterly line of Fulton Street and the westerly line of St. Felix Street, said curb elevation being forty-two and twenty-two one-hundredths (42.22) feet above mean sea level at Sandy Hook, as determined by the United States Coast and Geodetic Survey.

The subway or structure has been constructed so as to be capable of safely sustaining in accordance with the requirements of the Building Code of the City of New York as of May 6, 1916, loads as indicated on drawing marked STATE OF NEW YORK, TRANSIT CONSTRUCTION COMMISSIONER, ENGINEERING DEPARTMENT, ROUTE No. 12, SECTION No. 1, BOROUGH OF BROOKLYN, MAP OR PLAN SHOWING PROPERTY FOR RESALE ON SOUTHWEST CORNER FULTON STREET AND ST. FELIX STREET, signed by D. L. TURNER, CHIEF ENGINEER, dated JANUARY 12, 1921, designated as DRAWING No. 131, FILE No. 2901, and also at any and all points at the side of said subway or structure within or adjacent to the premises such thrusts as are not in excess of the respective thrusts which would be exerted at such points as the result of the pressure of a backfill lying over the entire premises above described up to the elevation of the adjacent street surfaces and weighing one hundred (100) pounds per cubic foot and having an angle of repose of thirty degrees (30°) with the horizontal.

This property at the time of its acquisition by condemnation in 1916 was encumbered by three (3) buildings and was a part of a larger holding in fee which embraced the entire frontage of the block on the southerly side of Fulton Street between Ashland Place and St. Felix Street. The award for the property as improved by the buildings, including consequential damage, was \$101,300. Honorable John H. Delaney, Transit Construction Commissioner, by communication dated February 11, 1921, advised your Honorable Board that the whole property, which included the subway easement, was valued by the Tax Department at \$63,800 and that the Tax Department had apportioned this value between the easement to be retained by the City and the fee subject to such easement to be sold, placing the value of the easement at \$4,300 and the value of the fee subject to such easement at \$59,500. Commissioner Delaney then requested the approval of an upset price of \$63,000, which was \$3,500 more than the valuation placed by the Tax Department, upon the interest in the land to be sold. However, the Commissioners of the Sinking Fund, as it was then constituted, increased this upset price to \$100,000. This property was offered at that upset price at public auction in 1921 on the basis of an all cash purchase and on January 16, 1923, it was again offered at public auction upon terms generally similar to those offered by the Comptroller in the extensive sales of surplus City property held in 1922. At neither of these public auction sales was there a single bid. The property is now assessed by the Tax Department at \$63,800. There is no reason to believe that there has been any appreciable change in the relative value for the easement, to wit: \$4,300, since the last apportionment by the Tax Department. There may have been, however, a slight appreciation in the value of the interest in the land to be sold.

The Commission, therefore, pursuant to the provisions of Subdivision 2 of Section 39 of the Rapid Transit Act, hereby requests the approval of your Honorable Board of the sale of the above described property, subject to the easement above set forth, which is to be reserved unto The City of New York, and upon such conditions as the

[April 3, 1923

Commission shall deem in the interests of The City of New York, at public auction for a sum not less than the upset price of \$70,000, the proceeds of such sale to be paid to the Comptroller of The City of New York to be applied as provided by law.

Five (5) blue prints of the drawing referred to in the description of the easement above set forth, are transmitted herewith for the information of your Honorable Board.

Very truly yours,
 GEORGE McANENY,
 Chairman.

428—R. T. 7345

Route No. 48—Report by Real Estate Clerk Recommending Sale at Public Auction of Property at Southwest Corner of William and Beekman Streets, Borough of Manhattan, at Upset Price of \$160,000—Communication to Commissioners of Sinking Fund—Approved

A report was presented from the Real Estate Clerk dated April 2, 1923, recommending that a request be made to the Commissioners of the Sinking Fund to approve the sale at public auction of the property at the southwest corner of William and Beekman Streets, Borough of Manhattan, at an upset price of \$160,000.

The following communication was approved:

April 3, 1923.

COMMISSIONERS OF THE SINKING FUND
 OF THE CITY OF NEW YORK,
 Municipal Building,
 New York City, N. Y.

Sirs:

Under the provisions of Subdivision 2 of Section 39 of the Rapid Transit Act it becomes the duty of the Transit Commission whenever any property which The City of New York shall have acquired, as provided in said Act, shall be unnecessary for rapid transit purposes, to sell and convey the same in behalf of the City; but it is provided that no sale or conveyance shall be made except with the approval of the Commissioners of the Sinking Fund of the City.

Heretofore The City of New York acquired by private purchase pursuant to the Rapid Transit Act for the purposes of construction, maintenance and operation for that part of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad known as Route No. 48, Section No. 2, an estate in fee simple to a parcel of land situated at the southwesterly corner of Beekman and William Streets in the Borough of Manhattan, City of New York, and now known as Lot 1, in Block 92, Section 1, on the land map of the County of New York; said premises containing 5,315 square feet and being bounded and described as follows:

Beginning at the point formed by the intersection of the southerly side of Beekman Street and the westerly side of William Street; running thence southerly along the westerly side of William Street forty-nine (49) feet two and one-half ($2\frac{1}{2}$) inches; thence westerly along a line making on the northerly side thereof an angle of eighty-eight degrees five minutes ($88^{\circ} 05' 00''$) with the westerly side of William Street, a distance of twenty-six (26) feet eleven (11) inches; thence northerly along a line at right angles to the last described line one (1) foot five and three-quarters ($5\frac{3}{4}$) inches; thence westerly along a line making on the northerly side thereof an angle of eighty-six degrees seven minutes ($86^{\circ} 07' 00''$) with the last described line extended, a distance of thirty-one (31) feet ten and one-quarter ($10\frac{1}{4}$) inches; thence southerly along a line making on the easterly side thereof an angle of ninety-two degrees and twenty-six minutes ($92^{\circ} 26' 00''$) with the line last described, a distance of forty-three (43) feet eleven (11) inches; thence westerly along a line making on the northerly side thereof an angle of eighty-seven degrees twenty-six minutes ($87^{\circ} 26' 00''$) with the line last described, a distance of twenty (20) feet six and one-half ($6\frac{1}{2}$) inches; thence northerly along a line making on the easterly side thereof an angle of ninety-five degrees thirty-four minutes and thirty seconds ($95^{\circ} 34' 30''$) with the line last described, a distance of six and three-

quarters ($6\frac{3}{4}$) inches; thence westerly along a line making on the southerly side thereof an angle of ninety-four degrees eleven minutes ($94^{\circ} 11' 00''$) with the line last described, a distance of two (2) feet one (1) inch; thence northerly along a line making on the easterly side thereof an angle of ninety-one degrees six minutes and thirty seconds ($91^{\circ} 06' 30''$) with the last described line, a distance of three (3) feet ten (10) inches; thence westerly along a line making on the southerly side thereof an angle of ninety-five degrees and seven minutes ($95^{\circ} 07' 00''$) with the last described line, a distance of six (6) inches; thence northerly along a line making on the westerly side thereof an angle of eighty-four degrees and fifty-three minutes ($84^{\circ} 53' 00''$) with the last described line extended, a distance of ninety-eight (98) feet five and one-half ($5\frac{1}{2}$) inches to the southerly side of Beekman Street; thence easterly along the southerly side of Beekman Street seventy-five (75) feet two (2) inches to the point or place of beginning.

The City acquired title in fee to said premises in three different parcels by private purchase, one on December 15, 1913, one on March 11, 1914 and the other on May 14, 1914. The total purchase price for said three parcels of land was \$226,725.00 which with interest to the date of closing amounted to \$226,749.86. At the time of acquisition the property was improved by three buildings, one of which was quite modern.

The construction of the railroad being completed and in operation and the Chief Engineer of this Department having reported that with the exception of a certain permanent and perpetual easement which must necessarily be reserved and retained for the purpose of maintenance and operation in perpetuity, free of interference and right of interference of said rapid transit railroad including the subway or structure thereof, said property is no longer needed for rapid transit purposes and may be sold upon such terms as will adequately safeguard such maintenance and operation through and under a portion of said property of approximately 2,481 square feet more or less and which easement is more clearly defined as follows:

Description of Easement

Beginning at the point formed by the intersection of the southerly side of Beekman Street and the westerly side of William Street; running thence southerly along the westerly side of William Street forty-nine (49) feet two and one-half ($2\frac{1}{2}$) inches; thence westerly along the southerly property line eighteen (18) feet; thence northerly forty-six (46) feet six (6) inches to a point twenty-two (22) feet six (6) inches southerly from the southerly side of Beekman Street and measured on a line perpendicular thereto; thence northwesterly thirty-four (34) feet two and one-half ($2\frac{1}{2}$) inches to the westerly property line; thence northerly along said westerly property line eleven (11) feet nine (9) inches to the southerly side of Beekman Street; thence easterly along the southerly side of Beekman Street seventy-five (75) feet two (2) inches to the point or place of beginning.

The vertical limits of this easement to include the area of this easement and to extend up to a horizontal plane which is nine (9) feet below the elevation of the westerly curb of William Street, the elevation of said curb being taken at the point where the southerly side of Beekman Street produced would intersect the westerly curb of William Street, the elevation of the top of said curb being thirty and forty-two one-hundredths (30.42) feet above sea level at Sandy Hook, as determined by the United States Coast and Geodetic Survey.

The subway or structure within this easement has been constructed so as to be capable of safely sustaining, according to the present requirements of the Building Code of the City of New York, loads as indicated in detail on drawing marked STATE OF NEW YORK, TRANSIT CONSTRUCTION COMMISSIONER, ENGINEERING DEPARTMENT, ROUTE No. 48, SECTION No. 2, BOROUGH OF MANHATTAN, MAP OR PLAN SHOWING PROPERTY FOR RESALE SOUTHWEST CORNER OF WILLIAM AND BEEKMAN STREETS, signed by D. L. TURNER, CHIEF ENGINEER, dated JANUARY 12, 1920, designated as DRAWING No. 66, FILE No. 2702, and also at any and all points on the side of said subway or structure within or adjacent to the premises such thrusts as are not in excess of the respective thrusts which would be exerted at such points as a result of the pressure of a backfill lying over the entire premises above described up to said existing elevation of the westerly curb of William Street and weighing one hundred (100) pounds per

cubic foot and having an angle of repose of thirty (30) degrees with the horizontal.

This whole property is assessed by the Tax Department (1923) at \$175,000. This valuation includes both the easement to be reserved by The City of New York and the interest in the property which is to be sold. The property has been put up at public auction two times at the upset price of \$185,000, or \$10,000 more than the entire property is valued by the Tax Department. At the last public auction held on January 16, 1923, this property was offered upon terms generally similar to those on which the properties of the City were offered by the Comptroller at the extensive sales of 1922. Although with the consent of your Honorable Board this property has also been offered at private sale, no bid or offer has ever been received at anywhere near the existing upset price and the trend of opinion among inquirers is that this property is being held at a figure \$25,000 to \$30,000 above its present true market value.

The Commission, therefore, pursuant to the provisions of Subdivision 2 of Section 39 of the Rapid Transit Act, hereby requests the approval of your Honorable Board of the sale of the above described property, subject to the easement above set forth, which is to be reserved unto The City of New York, and upon such conditions as the Commission shall deem in the interests of The City of New York, at public auction for a sum not less than the upset price of \$160,000, the proceeds of such sale to be paid to the Comptroller of The City of New York to be applied as provided by law.

Five (5) blue prints of the drawing referred to in the description of the easement above set forth, are transmitted herewith for the information of your Honorable Board.

Very truly yours,
 GEORGE McANENY,
 Chairman.

429—R. T. 7605

Routes Nos. 35 & 67—Communication from Counsel Submitting Proposed Agreement for Show Window and Entrance to Fifth Avenue Station in Front of Premises at Nos. 37-41 West 42nd Street—Approval Resolution

A communication was presented from Counsel dated March 7, 1923, submitting a proposed agreement with The Hoagland Corporation and Stern Brothers for a show window and entrance to the Fifth Avenue station of the Queensboro Subway Line in front of the premises at Nos. 37-41 West 42nd Street, Borough of Manhattan.

The following resolution was adopted:

Whereas, Counsel, with his letter dated March 7, 1923, has submitted to this Commission a proposed form of agreement between The City of New York, acting by the Transit Commission, Interborough Rapid Transit Company, The Hoagland Corporation, and Stern Brothers for the construction, maintenance and operation of a show window and entrance to Stern Brothers store, Nos. 37-41 West 42nd Street, said show window and entrance abut upon a sub-passageway to a mezzanine of the Fifth Avenue Station of the Queensboro Subway Line, a Rapid Transit Railroad in the Borough of Manhattan and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This proposed agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

430—R. T. 7605

Routes Nos. 35 & 67—Communication from Counsel Submitting Proposed Agreement for Show Window and Entrance to Fifth Avenue Station in Front of Premises at Nos. 43-45 West 42nd Street—Approval Resolution

A communication was presented from Counsel dated March 22, 1923, submitting a proposed agreement with The Gerry Estates, Inc. and Stern Brothers for a show win-

dow and entrance to the Fifth Avenue station of the Queensboro Subway Line in front of the premises at Nos. 43-45 West 42nd Street, Borough of Manhattan.

The following resolution was adopted:

Whereas, Counsel, with his letter dated March 22, 1923, has submitted to this Commission a proposed form of agreement between The City of New York, acting by the Transit Commission, Interborough Rapid Transit Company, The Gerry Estates, Inc., and Stern Brothers, for the construction, maintenance and operation of a show window and entrance to Stern Brothers store Nos. 43-45 West 42nd Street, said show window and entrance abut upon a sub-passageway to a mezzanine of the Fifth Avenue Station of the Queensboro Subway Line, a Rapid Transit Railroad in the Borough of Manhattan and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This proposed agreement has been approved by the Chief Engineer, Resolved, That said proposed agreement in the form so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

431—R. T. 6080

Route No. 39—Application by Samuel Gilman for Permission to Take Over Concession of Jacob Kalmus at Northeast Corner of 85th Street and 18th Avenue, Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Samuel Gilman dated March 29, 1923, requesting permission to occupy the concession held by Jacob Kalmus at the northeast corner of 85th Street and 18th Avenue, Borough of Brooklyn, at the same rental.

A report was presented from the Real Estate Clerk dated March 31, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By communication dated March 29, 1923, Jacob Kalmus proposes to surrender the concession held by him near the northeasterly corner of 85th Street and 18th Avenue, Borough of Brooklyn, effective as of April 1, 1923; and

Whereas, Samuel Gilman by application dated March 29, 1923, has requested permission to occupy the concession surrendered by Jacob Kalmus at the same rental and upon the same terms as govern Mr. Kalmus's occupancy of the concession; and

Whereas, The Real Estate Clerk, under date of March 31, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, terminate the concession of the said Jacob Kalmus as of April 1, 1923, and that it do, and hereby does, approve the application of Samuel Gilman, dated March 29, 1923, to occupy the concession as of April 1, 1923, and that the Secretary be, and he hereby is, authorized to subscribe the approval of the Commission on the said application of Samuel Gilman.

432—Case 2682

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which Two Bridges Carrying the Main Drive in Forest Park Over Tracks of the Rockaway Beach Division and the Montauk Division Shall be Altered or Changed—Hearing Resolution with Notice Adopted

The Secretary presented two resolutions adopted by the Board of Estimate and Apportionment on March 23, 1923, requesting the Commission to determine the manner in which two bridges carrying the Main Drive in Forest Park over the right of way of the Rockaway Beach Division and the Montauk Division of The Long Island Rail-

road Company, should be altered or changed. The Secretary also presented a map transmitted with said resolutions showing said changes.

Thereupon, the Commission adopted and ordered filed a resolution in Case No. 2682, directing a hearing on April 25, 1923 at 10:30 A. M., with respect to said application and requiring that ten days personal service of said resolution be made upon The City of New York and the Company, and that notice of said hearing be published and authorizing George L. Lucas, Acting Chief Executive Officer to the Commission, pursuant to Sections 8 and 11 of the Public Service Commission Law to conduct said hearing, to take the testimony therein and report the same to the Commission with his opinion thereon for its decision and determination.

433

Staten Island Rapid Transit Railway Company—New Tariff Showing Reduction in Monthly School Tickets between All Stations South of Annadale and Tottenville—Report by Chief of Transit Bureau Recommending Filing—Report Approved

The Secretary presented a proposed tariff supplement designated as Supplement No. 7, T. C. N. Y. No. 158, effective April 23, 1923, filed by The Staten Island Rapid Transit Railway Company, showing a reduction ranging from 43 cents to 60 cents each on monthly school tickets between all stations south of Annadale and Tottenville, Staten Island.

The Secretary also presented a report, dated March 27, 1923, from the Chief of the Transit Bureau, recommending that the tariff above mentioned be filed.

Thereupon, the above mentioned report was approved and said tariff filed.

434—R. T. 7639, 6594, 7612, 7565

Rapid Transit Railroads—Communication from Acting Corporation Counsel Returning Proposed Contracts and Agreements Approved as to Form—Filed

The following communication from the Acting Corporation Counsel was ordered filed:

MARCH 30, 1923.

TRANSIT COMMISSION.

Sirs:

Enclosed herewith I return to you, approved as to form

"proposed contract between Benedetto, Saussez & Bottino for the changes in the subway structure necessitated by the widening of Sixtieth Street between Second and Fifth Avenues, Borough of Manhattan"

"proposed contract between The City of New York, acting by the Transit Commission and Interborough Rapid Transit Company for the construction of additions at the Wall Street station of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad, Borough of Manhattan"

"proposed contract between The City of New York acting by the Commission and Edwards and Flood, Inc., for concreting voids under platform of Eighth Street Station, Route No. 5, Section No. 4 (Agreement 'CG'), Borough of Manhattan"

"proposed contract with Interborough Rapid Transit Company constructing additional waiting rooms on the 219th Street Station of the White Plains Road Line and the Kingsbridge Road Station of the Jerome Avenue Elevated Line, Borough of Manhattan".

Respectfully yours,

ARTHUR J. W. HILLY,
Acting Corporation Counsel.

435—R. T. 7603

Route No. 52, Section No. 3—Statement as to Execution and Delivery of Original Contract for Construction of Part of Flushing Line—Contract Filed

The Commission ordered filed an original contract dated March 28, 1923, between The City of New York, acting by the Transit Commission and Oakdale Contracting Company, Inc. for the construction of Route No. 52, Section No. 3, part of the Flushing Line, which contract had been executed on behalf of both parties and delivered on March 29, 1923.

436—R. T. 7590

Contract No. 3—Statement as to Execution and Delivery of Original Contract for Furnishing and Erecting Structural Steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Contract Filed

The Commission ordered filed an original contract dated March 14, 1923, between The City of New York, acting by the Transit Commission and McClintic-Marshall Company for furnishing and erecting structural steel for the third addition to shops at the Lenox Avenue and 148th Street Yard, which contract had been executed on behalf of both parties and delivered on March 27, 1923.

437—R. T. 6877, 6346

Routes Nos. 8 and 33—Letter from Counsel Transmitting Original Recorded Consents and Agreements for Entrances to Montrose Avenue and Lawrence Street Stations—Filed

A communication from Counsel dated March 28, 1923, transmitting the following original documents, was ordered filed:

Consent of Leonhard Eppig Brewing Company dated March 1, 1922, for a stairway at the northwest corner of Bushwick Avenue and Montrose Avenue, leading to the Montrose Avenue station of the Fourteenth Street-Eastern Line, which consent was recorded in the office of the Register of Kings County on the 10th day of May, 1922, indexed under Section 10, Block 3054, on the Land Map of the County of Kings.

Consent of The Brooklyn City Mission and Tract Society dated June 6, 1921, for a stairway at the southwest corner of Willoughby and Bridge Streets, leading to the Lawrence Street station of the Broadway-Fourth Avenue Rapid Transit Railroad, which consent was recorded in the office of the Register of Kings County on the 21st day of June, 1921, indexed under Section 1, Block 152, on the Land Map of the County of Kings.

Agreement dated September 27, 1922, with John W. Tammany for a stairway at the southeast corner of Willoughby and Bridge Streets, leading to the Lawrence Street Station of the Broadway-Fourth Avenue Rapid Transit Railroad, which agreement was recorded in the office of the Register of Kings County on the 15th day of January, 1923, in Liber 4205, page 386, Block 2076 of conveyances.

Agreement dated September 18, 1922, with Goodale Realty Company, Inc. for a stairway at the northeast corner of Willoughby and Bridge Streets, leading to the Lawrence Street Station of the Broadway-Fourth Avenue Rapid Transit Railroad, which agreement was recorded in the office of the Register of Kings County on the 15th day of January, 1923, in Liber 4205, page 386, Block 2076 of conveyances.

438—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at North Side of 86th Street East of 21st Avenue, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from

Mary Kirschenbaum dated October 31, 1921, for easements in front of the premises at the north side of 86th Street, Borough of Brooklyn, which deed was recorded on the 18th day of February, 1922, in the office of the Register of the County of Kings in Liber 4124, page 27, Block 6347 of Conveyances.

439—R. T. 7089

Route No. 49—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at Northeast Corner of Neptune Avenue and West Sixth Street, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from Charles Weickman and Grace Weickman dated April 26, 1921, for easements in front of the premises at the northeast corner of Neptune Avenue and West Sixth Street, Borough of Brooklyn, which deed was recorded on the 5th day of April, 1922, in the office of the Register of the County of Kings in Liber 4140, page 96, Block 7250 of Conveyances.

440—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at No. 2145 86th Street, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from Ada W. Aarons, dated November 4, 1921 for easements in front of the premises at No. 2145 86th Street, Borough of Brooklyn, which deed was recorded on the 18th day of January, 1922, in the office of the Register of the County of Kings, in Liber 4119, Page 94, Block 6347 of Conveyances.

441—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises on the Northerly Side of 86th Street East of 21st Avenue—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from the Trent Realty Company, Inc., dated August 19, 1919, for easements in front of premises on the northerly side of 86th Street east of 21st Avenue, Borough of Brooklyn, which deed was recorded on the 2nd day of December, 1921, in the office of the Register of Kings County, in Liber 4110, Page 110, Block 6347 of Conveyances.

442—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises on North Side of 86th Street East of 20th Avenue—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from

Lena Vollweiler, dated December 16, 1917 for easements, in front of the premises on north side of 86th Street east of 20th Avenue, Borough of Brooklyn, which deed was recorded on the 18th day of July, 1922, in the office of the Register of the County of Kings, in Liber 4163, Page 416, Block 6346 of Conveyances.

443—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises on Southerly Side of Fort Hamilton Parkway East of 38th Street, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from August Grimm and Jennie Grimm, dated June 5, 1922 for easements in front of premises on southerly side of Fort Hamilton Parkway east of 38th Street, Borough of Brooklyn, which deed was recorded on the 16th day of December, 1922, in the office of the Register of the County of Kings, in Liber 4263, Page 47, Block 5291 of Conveyances.

444—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises on the North Side of 86th Street East of 21st Avenue, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from Caroline Sonnenschein, dated November 16, 1921 for easements in front of the premises on the north side of 86th Street east of 21st Avenue, Borough of Brooklyn, which deed was recorded on the 10th day of January, 1923, in the office of the Register of the County of Kings, in Liber 4194, Page 324, Block 6347 of Conveyances.

445—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel, Transmitting Original Deed of Release for Easements in Front of Premises at No. 2139 86th Street, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from William S. Barlow and Catherine Barlow, dated October 26, 1921, for easements in front of the premises at No. 2139 86th Street, Borough of Brooklyn, which deed was recorded on the 18th day of January, 1922, in the office of the Register of the County of Kings, in Liber 4119, Page 92, Block 6347 of Conveyances.

446—R. T. 7089

Route No. 49—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at Northeast Corner of Gravesend Neck Road and Gravesend Avenue, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from

Katherine Becker and Caroline Wever dated June 3, 1921, for easements in front of the premises at the northeast corner of Gravesend Neck Road and Gravesend Avenue, Borough of Brooklyn, which deed was recorded on the 2nd day of December, 1921, in the office of the Register of the County of Kings in Liber 4094, Page 415, Block 7125 of Conveyances.

447—R. T. 7089

Route No. 49—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at West Side of Gravesend Avenue North of Avenue "S," Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from James J. Lahey and Delia Lahey dated June 13, 1922, for easements in front of the premises at the west side of Gravesend Avenue north of Avenue "S," Borough of Brooklyn, which deed was recorded on the 10th day of January, 1923, in the office of the Register of the County of Kings in Liber 4194, Page 339, Block 6680 of Conveyances.

448—R. T. 5040

Fourth Avenue Subway—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at Nos. 661-671 Fulton Street, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated March 26, 1923, transmitting an original deed of release and grant from Amelia Cameron dated July 8, 1922, for easements in front of the premises at Nos. 661-671 Fulton Street, Borough of Brooklyn, which deed was recorded on the 11th day of July, 1922, in the office of the Register of the County of Kings in Liber 4149, Page 491, Block 2095 of Conveyances.

449—R. T. 7479

Route No. 5, Section No. 15—Receipt from Department of Finance for Check in Sum of \$500 Deposited by Title Guarantee & Trust Company to Cover Liens on Property Sold at Public Auction on East 138th Street between Park Avenue and Canal Street West—Filed

The following receipt was ordered filed:

March 26, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
Auditor of Receipts

Received from Transit Commission check of the Title Guarantee & Trust Company for Five hundred 00/100 Dollars (\$500.00).

Particulars:

Amount left on deposit with Title Guarantee & Trust Company to cover liens which appeared of record against parcel sold at public auction to J. P. Duffy Company April 27, 1921, theretofore acquired for rapid transit purposes, and situated on the southerly side of East 138th Street, between Park Avenue and Canal Street west,

Borough of The Bronx, City of New York (Lexington Avenue Line), said deposit to be returned upon the cancellation of such liens.

The liens have been discharged on record, and the Title Company has declined to pay interest upon said deposit.

Amount to be credited to Suspense Account known as *S 109 C—Real Estate Sales and Rentals of the Transit Commission.*

For Comptroller,
H. H. RATHYEN,
Auditor of Receipts.

450—R. T. 7345, 7479

Routes Nos. 48 and 5—Receipt from Department of Finance for Checks as Balances of Purchase Prices for Property Sold at Public Auction at Foot of Clark Street, Borough of Brooklyn, and at Southwest Corner of East 138th Street and Mott Avenue, Borough of The Bronx—Filed

The following receipt was ordered filed:

March 23, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
Auditor of Receipts

Received from Transit Commission check of Frank W. Struvy for One thousand eight hundred seventy-five 00/100 Dollars (\$1,875.00), check of Cashier of Yorkville Bank of New York for Seven thousand Dollars (\$7,000.00), and Five hundred forty-five 00/100 Dollars (\$545.00) in cash.

Particulars:

Seventh Avenue-Lexington Avenue Line:

Check of Frank W. Struvy for \$1,875.00 being balance of purchase price of Plot V, south side of Park at foot of Clark Street, Columbia Heights to Furman Street, Brooklyn;

Lexington Avenue Line:

Cashier's check of Yorkville Bank	\$7,000.00	} being balance of purchase price of Plot VII, southwesterly corner of East 138th Street and Mott Avenue, Borough of The Bronx.
And the sum in cash of	545.00	

For Comptroller,
H. H. RATHYEN,
Auditor of Receipts.

451—R. T. 7549, 7639

Agreement "CC"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Changes in Subway Structures to Permit Widening of East 60th Street, Borough of Manhattan, and Authorizing Appropriation of \$62,000—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 23, 1923, was ordered filed:

(Cal. No. 222)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated February 27, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to the contract with Benedetto, Saussez and Bottino, for making changes in subway structures necessitated by the widening of 60th street, between 2d and 5th avenues, Borough of Manhattan, at an estimated cost of sixty-two thousand dollars (\$62,000); the cost thereof to be charged to the tax note appropriation authorized by the Board of Estimate and Apportionment on July 19, 1922 (Code NPM-59, Reconstructing Gratings, Vault Lights, etc., along the Curb Line of 60th Street, Between 2d and 5th Avenues, to Permit of the Widening of the Roadway of the Street); all payments in connection with said contract to be made

upon vouchers prepared by the Transit Commission and certified by the President of the Borough of Manhattan.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

452—R. T. 7612

Agreement "CG"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Concreting Voids under Platform of Eighth Street Station and Authorizing Appropriation of \$1,236—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 23, 1923, was ordered filed:

(Cal. No. 220)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 14, 1922, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to the contract with Edwards and Flood, Inc., for concreting voids under platform of 8th street station, Route No. 5, Section No. 4 (Agreement "CG"), Borough of Manhattan, at an estimated cost of one thousand two hundred and thirty-six dollars (\$1,236); and be it further

Resolved, That the Comptroller be and is hereby authorized to charge the cost of said contract against the 1923 Budget appropriation for the President, Borough of Manhattan, "Code 382, Contract or Open Order Service, General Repairs" (instead of to an issue of corporate stock, to be authorized for the purposes of said contract, as requested in the requisition of the Transit Commission, dated November 14, 1922); all payments for said work to be made on vouchers prepared by the Transit Commission and certified by the President of the Borough of Manhattan.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

453—R. T. 6594

Route No. 48, Section No. 2—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Agreement for Construction of Increased Facilities at Wall Street Station and Authorizing Appropriation of \$32,750 as City's Share—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 23, 1923, was ordered filed:

(Cal. No. 221)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated February 20, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed agreement (subject to its approval, as to form, by the Corporation Counsel) with the Interborough Rapid Transit Company, as lessee, for the construction of increased facilities at the Wall street station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad, as addition to construction under Contract No. 3, at a cost to The City of New York of thirty-two thousand seven hundred and fifty dollars (\$32,750), being one-half of the total estimated cost of sixty-five thousand five hundred dollars (\$65,500); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be thirty-two thousand seven hundred and fifty dollars (\$32,750); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding thirty-two thousand seven hundred and fifty dollars (\$32,750) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said addition to construction, under said agreement; said issue of corporate stock to be charged as a subauthorization against the general

appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriation subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

454—R. T. 7617

Route No. 16—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Agreement for Construction of Additional Station Facilities at 161st Street Station and Authorizing Appropriation of \$23,625 as City's Share—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 23, 1923, was ordered filed:

(Cal. No. 224)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated March 6, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed agreement (subject to its approval, as to form, by the Corporation Counsel) with the Interborough Rapid Transit Company, as lessee, for the construction of permanent additional station facilities at the 161st Street Station of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad, as addition to construction under Contract No. 3, at a cost to The City of New York of twenty-three thousand six hundred and twenty-five dollars (\$23,625), being one-half of the total estimated cost of such addition to construction, namely, forty-seven thousand two hundred and fifty dollars (\$47,250), in excess of the sum of eighteen thousand seven hundred and fifty dollars (\$18,750), contributed by the American League Baseball Club of New York, Inc., the owner of the property on westerly side of River avenue, between East 157th street and East 161st street; without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty-three thousand six hundred and twenty-five dollars (\$23,625); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding twenty-three thousand six hundred and twenty-five dollars (\$23,625), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said addition to construction, under said agreement; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

455—R. T. 7565

Routes Nos. 16 and 18—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Agreement for Construction of Additional Waiting Rooms at 219th Street Station of White Plains Road Line and Kingsbridge Road Station of Jerome Avenue Line and Authorizing Appropriation of \$1,000 as City's Share—Filed

The following certified copy of the resolution adopted by the Board of Estimate and apportionment on March 23, 1923, was ordered filed:

(Cal. No. 223)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated February 27, 1923, the Board of Estimate and Apportionment does hereby

consent to the proposed agreement (subject to its approval, as to form, by the Corporation Counsel) with the Interborough Rapid Transit Company, as lessee, for the construction of additional waiting rooms on the northbound platform of the 219th Street Station of the White Plains Road Line and on the northbound platform of the Kingsbridge Road Station of the Jerome Avenue Elevated Line, as addition to construction, under Contract No. 3, at a cost to The City of New York of one thousand dollars (\$1,000), being one-half of the total estimated cost of two thousand dollars (\$2,000); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be one thousand dollars (\$1,000); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one thousand dollars (\$1,000), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said addition to construction, under said agreement; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

456

Street Changes—Certified Copies of Resolutions of Board of Estimate and Apportionment Establishing Roadway and Sidewalk Widths and Authorizing Removal of Encroachments on West 35th Street between Sixth Avenue and Broadway, Borough of Manhattan—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on March 23, 1923, were ordered filed:

(Cal. No. 44-A)

Resolved, By the Board of Estimate and Apportionment that the widths of the roadway and sidewalks on West 35th street from west curb line of 6th avenue to the east curb line of Broadway, Borough of Manhattan, be established as follows:

The roadway shall have a width of thirty-seven (37) feet.

The width of the sidewalk on the north side of the street shall be thirteen (13) feet; and be it further

Resolved, By the Board of Estimate and Apportionment that all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which interfere with the proper support of the roadway, curb, and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, By the Board of Estimate and Apportionment that the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 44-B)

Whereas, The entire width of West 35th street between Broadway and 6th avenue, Borough of Manhattan, is required for public purposes; be it

Resolved, By the Board of Estimate and Apportionment that all ordinances, permits or licenses heretofore adopted or granted by The City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of West 35th street between Broadway and 6th avenue, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the

proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, By the Board of Estimate and Apportionment that the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

457—R. T. 6616

Contract No. 2—Communication from Chief Engineer Transmitting Determination of "A" and "B" Claims of Rapid Transit Subway Construction Company for Construction of Section No. 2-A—Filed

The following report by the Chief Engineer was ordered filed:

March 27, 1923.

TO TRANSIT COMMISSION:

Contract 2, Section 2-A

Determination of "A" and "B" Claims of Contractor.

Pursuant to the provisions of the contract dated July 21, 1902, between The City of New York acting by the Board of Rapid Transit Railroad Commissioners for The City of New York and Rapid Transit Subway Construction Company for the construction and operation of the Brooklyn-Manhattan Rapid Transit Railroad, known as Contract No. 2 and pursuant to the order and writ of mandamus served on my predecessor "In the Matter of the Application of the People of The State of New York on the relation of Rapid Transit Subway Construction Company for a writ of mandamus against Alfred Craven, as Chief Engineer of the Public Service Commission of The State of New York for the First District," I have made my determination in writing and in duplicate of the reasonable value of additional work done and additional materials furnished by the Contractor, the Rapid Transit Subway Construction Company, for that portion of the Railroad known as Subsection No. 2-A detailed and set forth in the A and B claims as presented by the said contractor October 2, 1912 limiting my determination to additional work and additional material within the general purview of the rapid transit railroad as described in the routes and general plan in said Contract No. 2.

One duplicate of said determination is filed with your Commission as successor to the "Board" referred to in Contract No. 2.

ROBERT RIDGWAY,
Chief Engineer.

458—R. T. 6604

Route No. 29—Receipt from Department of Finance for Check in Sum of \$725 Deposited by Title Guarantee & Trust Company to Cover Liens on Property Sold at Public Auction on Nostrand Avenue between Eastern Parkway and Union Street, Borough of Brooklyn—Filed

The following receipt was ordered filed:

March 30, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
Bureau of Accountancy
Division of Receipts

Received from Transit Commission check of the Title Guarantee & Trust Company for Seven hundred twenty-five ⁰⁰/100 Dollars (\$725.00)

Particulars:

Amount held in escrow by Title Guarantee & Trust Company to cover certain liens against property known as Plot II, westerly side of Nostrand Avenue, between Eastern Parkway and Union Street, Brooklyn, sold to Hygrade Homes, Inc., J. I.

Anson, President, 1043 Pacific Street, Brooklyn, assigned to St. Marks Holding Corporation, 1043 Pacific Street, Brooklyn, N. Y.

The liens having been discharged, the Title Company has transmitted said amount, but has declined to pay interest upon it.

To be credited to Suspense Account Code No. S 109 C (Real Estate Sales and Rentals of the Transit Commission).

For Comptroller,

H. H. RATHYEN,
Auditor of Receipts.

459—R. T. 4039

Centre Street Loop—Receipt from Department of Finance for Check in Sum of \$12,915 as Balance of Purchase Price for Property Sold at Public Auction on West Side of Centre Street between Canal and Walker Streets, Borough of Manhattan—Filed

The following receipt was ordered filed:

March 28, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
Bureau of Accountancy
Division of Receipts

Received from Transit Commission check for Twelve thousand nine hundred fifteen
00/100 Dollars (\$12,915.00)

Particulars:

Balance of purchase price of Plot III, westerly side of Centre Street, between Canal and Walker Streets, Borough of Manhattan, sold to Louis Ullman and assigned to Centre Holding Co., Inc.

To be credited to Suspense Account Code No. S 109 C (Real Estate Sales and Rentals of the Transit Commission).

For Comptroller,

H. H. RATHYEN,
Auditor of Receipts.

460

Employees' Resolution No. 135

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—George W. Cook, Jr., engineering inspector, at \$150.08 per month, to take effect April 30, 1923; Elton R. DeShaw, architectural draftsman, at \$150.08 per month, to take effect March 26, 1923; Israel Malin, draftsman, at \$150.08 per month, to take effect April 9, 1923; Herman S. Stern, stenographer, at \$90.00 per month, to take effect April 9, 1923.

Appointments under Rule VIII:4—Ralph H. Baxter, junior assistant, at \$125.08 per month, to take effect March 28, 1923; Willard J. Carmel, draftsman, at \$150.08 per month, to take effect April 2, 1923; Leon A. Humphrey, draftsman, at \$150.08 per month, to take effect April 2, 1923; Aubrey L. McCaffrey, draftsman, at \$150.08 per month, to take effect April 2, 1923; Joseph S. Parker, draftsman, at \$150.08 per month, to take effect March 27, 1923; Samuel Weinberg, draftsman, at \$150.08 per month, to take effect March 28, 1923.

Rescission of Appointment—Mervil V. Broadbent, engineering inspector, at \$150.08 per month, to take effect March 22, 1923.

Rescission of Termination of Appointment under Rule VIII:4—James W. Carew, engineering inspector, at \$150.08 per month, to take effect March 21, 1923.

Resignations—Dorothy A. Caton, junior clerk, at \$60.00 per month, to take effect January 23, 1923; Jacob Drapkin, junior assistant, at \$125.08 per month, to take effect April 2, 1923; Maurice Friedlander, junior assistant, at \$125.08 per month, to take effect March 31, 1923; Peter M. Joyce, inspector special trackwork installation, at

\$125.08 per month, to take effect March 21, 1923; William F. Lynaugh, mechanical engineer, at \$150.08 per month, to take effect February 28, 1923.

Termination of Appointments under Rule VIII:4—Chester W. Barber, junior assistant, at \$125.08 per month, to take effect April 13, 1923; Lee P. Fox, junior assistant, at \$125.08 per month, to take effect April 6, 1923; George P. Kuzmier, draftsman, at \$150.08 per month, to take effect April 6, 1923; Walter H. Lankenau, junior assistant, at \$125.08 per month, to take effect April 6, 1923; Augustus Miller, junior assistant, at \$125.08 per month, to take effect April 6, 1923; Morris Roberts, draftsman, at \$150.08 per month, to take effect April 19, 1923; Henry I. Tuthill, junior assistant, at \$125.08 per month, to take effect April 6, 1923.

Change of Item in Resolution of March 13, 1923, Concerning Mervil Broadbent, so as to Read as Follows: (Termination of Appointment under Rule VIII:4)—Mervil Broadbent, engineering inspector, at \$150.08 per month, to take effect March 17, 1923.

Leave of Absence without Pay—Winifred L. Anderson, clerk, from April 7, 1923, to April 23, 1923; F. C. Cannon, engineering inspector, from April 1, 1923, to June 30, 1923.

461

Voucher Schedule No. 14

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 329-343, open market orders, \$734.65; Vouchers Nos. 175-185, miscellaneous bills, \$4,382.30; Voucher No. 8, special pay roll, \$1,250.00.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 80; Bethlehem Steel Products Company; approximate estimate No. 2 for the supply of special work and other track materials, Order No. 20, for use in the construction of a part of the Jerome Avenue Yard, Route No. 16, from February 16, 1923 to March 15, 1923 (R. T. 7470) \$12,357.00;

Voucher No. 81; Station Finish Corporation, Assignee; approximate estimate No. 8 for the construction of station finish on Sections No. 3, 4 and 5 of Route No. 8, from March 1, 1923 to March 31, 1923 (R. T. 7516) \$17,864.00;

Voucher No. 82; John Pollock, approximate estimate No. 3, for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, from March 1, 1923 to March 31, 1923 (R. T. 7609) \$2,684.35.

Voucher No. 179; Rosalind Blanche Fletcher; damage to easements of light, air and access to premises at No. 1123 Gravesend Avenue, Borough of Brooklyn, in the construction of rapid transit railroad, Supreme Court Order dated November 3, 1922, \$1,427.06.

462

Hearing

The following hearing was held:

2:30 P. M.; Case No. 2674; Brooklyn Eastern District Terminal; application for approval of proceedings to condemn real property located at No. 80 Kent Avenue, Brooklyn. George O. Redington, Counsel, presided. Hearings closed.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, April 4, 1923

463

Hearing

The following hearing was held:

10:30 A. M.; Case No. 2677; Sixth Avenue Railroad Company; application for approval of declaration of abandonment of route on Lenox Avenue between 110th and 116th Streets, Borough of Manhattan. James B. Walker, Secretary, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, April 10, 1923

Present: LeRoy T. Harkness, Acting Chairman; John F. O'Ryan, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

464

The Minutes of the Proceedings for the month of January, 1923, were approved.

465—R. T. 6658

Routes Nos. 4 & 38, Section No. 6—Report by Chief Engineer Recommending Requisition for Additional Appropriation of \$162.50 as City's Share for Increasing Width of Extension of North End of Express Platform at Pennsylvania Station—Approval Resolution—Requisition upon Board of Estimate and Apportionment

A report by the Chief Engineer dated February 10, 1923, as described below, was approved, and the following resolution was adopted:

Whereas, By resolution adopted January 31, 1922, this Commission pursuant to the provisions of the contract dated March 19, 1913, known as Contract No. 3, directed the Interborough Rapid Transit Company as Lessee under said contract, to perform the work of constructing an extension of 4' 6" to both sides of the platform at the northerly end of the express platform of the Pennsylvania Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line, described in said contract as an Addition to Construction and directed the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of \$37.50, being the City's share of the cost of constructing said Addition, which appropriation was made by the Board of Estimate and Apportionment by resolution adopted on March 9, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated February 10, 1923, reported that said platform extension should be increased to 15' on each side of the north end of the platform instead of 4' 6" at an estimated increased cost of \$325 and has recommended that the Commission approve of the performance of such additional work as an Addition to Construction under said Contract No. 3,

Resolved, That said report and recommendation be and the same hereby is approved; that the performance of such increased work to the limit of the 15' on each side of the north end of the express platform of said station, be and the same hereby is authorized and approved as an Addition to Construction and as to which, including the work heretofore authorized by resolution adopted January 31, 1922, as aforesaid, this Commission assigns-Work Order No. IAA-11 and that the requisition in the form

now submitted by Counsel upon the Board of Estimate and Apportionment for the appropriation of the sum of \$162.50 being the City's share of the cost of constructing such additional work, be and the same hereby is approved and that it be transmitted to the said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 10, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board on March 9, 1923, adopted the following resolution:

"(Cal. No. 22)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated January 31, 1922, the Board of Estimate and Apportionment does hereby consent to an agreement with the Interborough Rapid Transit Company, as lessee, for the construction of platform extensions at the northerly end of the express platform of the Pennsylvania Station of the 7th Avenue Branch of the 7th Avenue-Lexington Avenue Line, as addition to construction, under Contract No. 3, at an estimated cost to The City of New York of thirty-seven dollars and fifty cents (\$37.50), being one-half of the total estimated cost of seventy-five dollars (\$75); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be thirty-seven dollars and fifty cents (\$37.50); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding thirty-seven dollars and fifty cents (\$37.50), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said agreement; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3."

Under date of February 10, 1923, the Chief Engineer of this Commission reported with respect to the subject of construction of such platform extensions as follows:

"This refers to letter of January 29, 1923, received from Mr. Frank Hedley, President and General Manager, Interborough Rapid Transit Company, stating that on January 31, 1922, the Commission approved of extending both sides of the north end of the express platform on above station about 4 feet 6 inches and called upon the Board of Estimate and Apportionment to appropriate the necessary funds to cover one-half of the cost. The letter requests (since the Board of Estimate has not acted on requisition) that an extension of 15 feet be made on each side of the north end of the platform instead of the above extension at an estimated cost of \$400.

Transmitted herewith is one print of Drawing No. 1131, File No. 1706, showing the extension which is now requested. It is understood that this additional length is needed to permit of a greater leeway in the stopping of trains. I am of the opinion that this improvement is needed and that the estimate of \$400 is reasonable. I therefore respectfully

Recommended, That the resolution of January 31, 1922, making a request of \$37.50 for an extension of 4 feet 6 inches at the north end on both sides of the express platform be withdrawn from the Board of Estimate and that a new request be made for the sum of \$200, one-half the amount of the estimated cost for a similar extension 15 feet long."

The Transit Commission has approved such report and recommendation of its Chief Engineer and has authorized the performance of such work as an Addition to Construction by a resolution, a certified copy of which is transmitted herewith.

Your Honorable Board is accordingly requested to appropriate for the purposes of such work the additional sum of One hundred and Sixty-two Dollars and Fifty Cents (\$162.50) making the same a charge against the appropriations heretofore made for the purposes of carrying out the contract dated March 19, 1913, known as Contract No. 3, the same source from which Thirty-seven Dollars and Fifty Cents (\$37.50) was heretofore appropriated.

TRANSIT COMMISSION,
By LEROY T. HARKNESS,
Acting Chairman.

466—R. T. 7449

Contract No. 3—Report by Chief Engineer Recommending Requisition for Additional Appropriation of \$109.46 as City's Share for Construction of Experimental Control Railings at Times Square Station—Resolution Directing Requisition upon Board of Estimate and Apportionment—Resolution Assigning Work Order No. IAA-9—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated February 3, 1923, recommending that a requisition be made upon the Board of Estimate and Apportionment for an appropriation of \$109.46 to cover the City's share of the estimated cost of constructing experimental control railings along the express side of the northbound Times Square Station.

The following resolutions were adopted:

Whereas, The Board of Estimate and Apportionment of The City of New York, by resolution adopted January 21, 1921, appropriated the sum of \$325 for the purpose of meeting the City's one-half share of the cost of constructing as an Addition to Construction under the provisions of Contract No. 3 of installing as an experiment a section of control railing at the Times Square Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line, described in said Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated February 3, 1923 reported that an additional appropriation of \$109.46 is required to meet the full share of one-half of the cost of such work; and

Whereas, The Auditor of Rapid Transit Costs has recommended that Work Order No. IAA-9 be assigned to such unit of work,

Resolved, That said reports and recommendations be and the same hereby are approved; that this Commission assigns to said unit of work as heretofore authorized by this Commission by resolution adopted November 29, 1920, Work Order No. IAA-9 and that the requisition upon the Board of Estimate and Apportionment for the appropriation of an additional sum of \$109.46 in the form now submitted by Counsel be transmitted to the Board of Estimate and Apportionment:

Whereas, This Commission, by resolution adopted May 16, 1921, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, authorized as an Addition to Construction the performance of the work of changing the section of control railing as therein more particularly indicated and the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of \$50, being one-half of the estimated cost of such work, which sum was appropriated by the Board of Estimate and Apportionment on January 27, 1922; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated February 3, 1923, recommended that a work order number be assigned to said unit of work; and

Whereas, The Auditor of Rapid Transit Costs, by communication dated March 23, 1923, has recommended that Work Order No. IAA-9 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that this Commission assigns to said unit of work as heretofore approved on May 16, 1921 Work Order No. IAA-9.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 10, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board on January 21, 1921, adopted the following resolution:

"Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891 as amended; the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Construction Commissioner, dated November 29, 1920, the Board of Estimate and Apportionment does hereby consent to and authorize an appropriation of three hundred and twenty-five dollars (\$325) for the purpose of meeting the City's share of the cost of installing, as an experiment, a section of control railing at the Times Square station of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad in order to permit of the quicker loading and unloading of passengers and a shorter station stop at said station; the total cost of which experimental railing is six hundred and fifty dollars (\$650), and of which cost, pursuant to the provisions of article LXX of Contract No. 3 as they relate to additions to existing railroads, the City is to provide one-half and the operating company the other half; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be three hundred and twenty-five dollars (\$325); and be it further

Resolved, That the Comptroller be and he is hereby authorized and requested to issue corporate stock of the City of New York to an amount not exceeding three hundred and twenty-five dollars (\$325), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the payment of the City's share of the cost of an experimental control railing at the Times Square station of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad, as hereinabove set forth and as more particularly described in the requisition of the Transit Construction Commissioner to this Board, dated November 29, 1920; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the supplemental general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3."

The Chief Engineer of the Commission under date of February 3, 1923 reported with respect to the following:

"The construction of experimental platform control railings along the express side of the northbound Times Square station platform, on the 7th Avenue Line. Construction of this as an Addition was authorized by order of the Transit Construction Commissioner on November 29, 1920. The Board of Estimate appropriated \$325.00 on January 21, 1921 to cover the City's share of the estimated cost thereof. The total cost of this work under Interborough Rapid Transit Company Job No. C-S-7-A, was \$868.91. the City's share, one-half of this cost, is \$434.46, hence an additional appropriation of \$109.46 is required.

A requisition is accordingly made upon your Honorable Board for the appropriation of the additional sum of One hundred and Nine Dollars and Forty-six cents (\$109.46) to meet the City's share of the total cost of installing such railings, such additional appropriation to be a charge against and not in addition to the appropriations heretofore made by your Honorable Board for the purposes of carrying out the contract dated March 19, 1913, between the City of New York and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By LEROY T. HARKNESS,
Acting Chairman.

467—R. T. 7118, 7103

Contract No. 3—Report by Chief Engineer Recommending that Requisition be Made upon Board of Estimate and Apportionment for Appropriation of \$750 to be Placed at Disposal of Department of Docks to Cover Cost of Driving Test Piles at 148th Street and Lenox Avenue Yard in Connection with Bulkhead Construction—Approval Resolution—Requisition upon Board of Estimate and Apportionment

A report by the Chief Engineer dated April 10, 1923, as described below, was approved and the following resolution was adopted:

Whereas, In connection with the construction of that portion of the Railroad described in the contract dated March 19, 1913, known as Contract No. 3, commonly referred to as the 148th Street and Lenox Avenue Yard, it is necessary to drive test piles for the purposes of determining the character of the subsoil at that point so as to provide for the construction of the permanent bulkhead along the westerly shore of the Harlem River at said Yard; and

Whereas, The Chief Engineer of this Commission, by communication dated April 10, 1923, has reported with respect to such work and has recommended that a requisition be made upon the Board of Estimate and Apportionment for the appropriation of the sum of \$750, and the transfer of said sum to the Department of Docks, for the performance of such work; and

Whereas, Counsel has prepared and submitted a proposed requisition upon the Board of Estimate and Apportionment, which will effect said recommendation of the Chief Engineer aforesaid,

Resolved, That said report and recommendation be and the same hereby is approved and the requisition so submitted be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 10, 1923

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

In connection with the construction of that part of the Railroad described in the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, commonly referred to as the Lenox Avenue and 148th Street Yard, there is to be erected a bulkhead construction along the westerly shore of the Harlem River, incidental and preliminary to which it is necessary to drive test piles in order to determine the character of the subsoil at that point.

The Chief Engineer of this Commission, in a communication dated April 10, 1923, in reporting with respect to this portion of said work, stated and recommended as follows:

"In connection with the proposed bulkhead construction along the westerly shore of the Harlem River to be constructed as a part of the improvements at the 148th Street and Lenox Avenue Yard of the Interborough Rapid Transit Systems, it is proposed to drive test piles in order to determine the character of the sub-soil at that point.

The Department of Docks has done a very considerable amount of this kind of work and is thoroughly equipped therefor. If they would drive the test piles, the information so obtained would surely be thoroughly reliable and equally as good as we could obtain from a contractor to whom a contract was let at public bidding. This would also use city equipment advantageously. The matter has been taken up with Commissioner Delaney of that Department and I have been advised that the said Department will be very glad to cooperate and do this work for us. First Deputy Commissioner Michael Cosgrove in a letter of April 5, 1923, to me, estimates the cost of the proposed work as approximately \$600. To allow for contingencies, an appropriation of \$750 should be asked for. Accordingly, I would respectfully

Recommended, That the Commission make a requisition on the Board of Estimate for the sum of \$750 to be placed at the disposal of the Department of Docks to cover the cost of the work of driving these test piles."

The Transit Commission has approved said report and recommendation and in order to effect the same hereby makes requisition upon your Honorable Board for the appropriation of the sum of Seven hundred and fifty dollars (\$750) for the purpose of driving test piles as a part of the construction of the said Yard and chargeable thereto, said sum of Seven hundred and fifty dollars (\$750) to be transferred to the Department of Docks and to be expended under the direction of the Commissioner of Docks in the performance of such work.

The requisition herein made is a subrequisition under and not in addition to those heretofore made for the purposes of carrying out said Contract No. 3 and is to be a charge against the appropriations made in consequence thereof.

TRANSIT COMMISSION,
By LEROY T. HARKNESS,
Acting Chairman.

468—R. T. 6458

Contract No. 1—Communication from Board of Estimate and Apportionment Referring Back Proposed Agreement for Additional Stairway at 96th Street Station with Request that Plan be Submitted Showing Entrance within Curb Line Instead of in Park Area—Referred to Chief Engineer

The following communication from the Board of Estimate and Apportionment was referred to the Chief Engineer:

(Cal. No. 55)

April 6, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

Referring to your communications dated February 20 and February 27, 1923, submitting for the consent of this Board, proposed agreement with the Interborough Rapid Transit Company for the performance of the work of constructing an additional stairway at the southerly end of the 96th Street station of the Manhattan-Bronx Rapid Transit Railroad, and requesting an appropriation of \$25,000 as being the estimated cost of the City's share of the expense of carrying out this work, I am directed to advise you that at the meeting of the Board of Estimate and Apportionment on April 6, 1923, this matter was referred back to the Transit Commission with the request that a plan be submitted showing entrance from the surface within the curb line instead of from the park area in the middle of the street.

Respectfully,
JAMES MATHEWS,
Assistant Secretary.

469—R. T. 7419

Contracts Nos. 3 and 4—Resolution Approving Sureties upon Bond Deposited by Contractor for Completion of Built-in Newsstand Enclosures at Stations—Adopted

The following resolution was adopted:

Resolved, That the Royal Indemnity Company and the Eagle Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Four thousand (\$4,000) dollars, deposited by Fox, Reynolds Co., Inc., as security for the faithful performance of the contract for the completion of built-in newsstand enclosures at stations of Rapid Transit Railroads, each of said sureties being held and bound in the sum of Two thousand (\$2,000) dollars.

470—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Oil Switches for Installation in Substation No. 27—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated March 14, 1923, requesting approval of a proposed purchasing agent's order directed to the Westinghouse Electric & Manufacturing Company for furnishing five electrically operated oil switches to be installed at Substation No. 27 at a cost of \$8,250.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 27, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs recommending that the work be classified as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, Interborough Rapid Transit Company has submitted, for the approval of this Commission, proposed purchasing agent's order dated March 14, 1923, directed to the Westinghouse Electric & Manufacturing Company for the following:

- 5 Westinghouse type "E-6" 23,000 volt, 600 amp, 3 P. S. T. electrically operated oil switches similar to those furnished on our order C-35862, requisition S-5026-HAK. Each switch to have full automatic features and equipped with 3 mechanically operated disconnecting switches and 50 amp type "C" relay switch and are to be quick operating.

Price \$8,250.00 net

which proposed purchasing agent's order has been caused to be designated as "Approval No. 465"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated March 27, 1923, reported that such switches are similar to those heretofore purchased; that they are necessary for the operation of Substation No. 27, forming part of the Equipment of the Railroad described in said Contract No. 3; that no other bids were taken as Westinghouse equipment is specified, which is according to the standard similar equipment of the company and recommend that the said proposed purchasing agent's order be approved; and

Whereas, By endorsement dated March 31, 1923, the Auditor of Rapid Transit Costs has recommended that such work be classified as Equipment of the Railroad as defined in said Contract No. 3,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission, made part of said proposed purchasing agent's order.

471—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Two Proposed Purchasing Agent's Orders for Furnishing Car Wheels for Subway Division—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

Two applications were presented from the Interborough Rapid Transit Company dated March 20, 1923, requesting approval of two proposed purchasing agent's orders,

one directed to the Carnegie Steel Company and one to the Cambria Steel Company for furnishing car wheels for the subway division at a total cost of \$122,999.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer recommending that the applications be approved, which report was endorsed by the Auditor of Rapid Transit Costs recommending that the expense be classified as Operating Materials and Supplies Account.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, Interborough Rapid Transit Company has submitted for the approval of this Commission two purchasing agent's orders, both dated March 20, 1923, one directed to Carnegie Steel Company for the following:

<i>Item No.</i>	
1	1,000 Wheels, 31- $\frac{1}{4}$ " rolled steel, 5- $\frac{9}{16}$ " rough bore, Trailer Truck, B/P 4524-K, Spec. 48-E. Price—\$41.50 each \$41,500.00
2	402 Wheels, 34- $\frac{1}{4}$ " rolled steel, 6- $\frac{13}{16}$ " rough bore, Motor Truck, B/P 9380-B Spec. 48-E. Price—\$49.75 each 19,999.50 $\frac{1}{2}\%$ —10 days.
Total \$61,499.50	

Deliveries to be made to our dock at 148th St. & Harlem River as follows:

200—31- $\frac{1}{4}$ " Trailer Wheels not later than May 15th, 1923. Balance as required on sixty days notice.

<i>Other Bidders</i>		
	<i>Item 1</i>	<i>Item 2</i>
Cambria Steel Company.....	\$41.50 ea.	\$49.75 ea.
Standard Steel Works.....	41.50 ea.	49.75 ea.
Edgewater Steel Company.....	41.50 ea.	49.75 ea.
Forged Steel Wheel Company.....	No Bid	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 466," and the other of said proposed purchasing agent's order being directed to Cambria Steel Company for the following:

<i>Item No.</i>	
1	1,000 Wheels, 31- $\frac{1}{4}$ " rolled steel, 5- $\frac{9}{16}$ " rough bore, Trailer Truck, B/P 4524-K Spec. 48-E. Price—\$41.50 each \$41,500.00
2	402 Wheels, 34- $\frac{1}{4}$ " rolled steel, 6- $\frac{13}{16}$ " rough bore, Motor Truck, B/P 9380-B. Spec. 48-E. Price—\$49.75 each 19,999.50 $\frac{1}{2}\%$ —10 days.
Total \$61,499.50	

Deliveries to be made to our dock at 148th St. & Harlem River as follows:

200—31- $\frac{1}{4}$ " Trailer Wheels not later than May 15th, 1923. Balance as required on sixty days notice.

<i>Other Bidders</i>		
	<i>Item 1</i>	<i>Item 2</i>
Carnegie Steel Company.....	\$41.40 ea.	\$49.75 ea.
Standard Steel Works.....	41.50 ea.	49.75 ea.
Edgewater Steel Company.....	41.50 ea.	49.75 ea.
Forged Steel Wheel Company.....	No Bid	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 467"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated March 28, 1923, reported that such car

wheels are necessary for maintenance of the Railroad and Existing Railroads, as described in said contract No. 3; that the estimated expense under said proposed purchasing agent's orders is \$122,999; that the price is not unreasonable and the best obtainable and recommend that the said proposed purchasing agent's orders be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated April 2, 1923, has recommended that such expense be classified as Operating Materials and Supplies Account,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's orders so submitted be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission, made part of said proposed purchasing agent's orders.

472—R. T. 6699, 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Agreeing to Make Necessary Changes in Steel Work in Connection with Installation of Second Escalator at the Park Place Station—Report by Chief Engineer Recommending Approval—Approval Resolution

A communication was presented from the Interborough Rapid Transit Company dated April 9, 1923, agreeing to make necessary changes in the steel work and other incidental work necessary for the installation of a second escalator at the Park Place Station of the Seventh Avenue Line as a part of Construction under Contract No. 3.

A report was presented from the Chief Engineer dated April 9, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3 said Interborough Rapid Transit Company is installing a second escalator at the Park Place Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad described in said Contract No. 3 pursuant to requirements of this Commission and the provisions of said Contract No. 3; and

Whereas, Questions have arisen as to the respective obligations of the City and said Interborough Rapid Transit Company with respect to the completion of certain details in and about the installation of said escalator; and

Whereas, Interborough Rapid Transit Company by communication dated April 9, 1923 from Frank Hedley, its President and General Manager has, following conferences between the representatives of said parties, agreed to make the necessary changes in the steel work and to provide and install the checkered plates in connection with the installation and as a part of the cost of installing said escalator and to complete the concrete work at both ends of the escalator well; to supply and install the tile work and to provide and install the railings all as more particularly shown upon the plans therefor as a part of Construction as defined in said Contract No. 3, the cost thereof to be charged to the contribution of said Interborough Rapid Transit Company to the Cost of Construction as provided for in said Contract No. 3; and

Whereas, The Chief Engineer of this Commission by communication dated April 9, 1923 has recommended the approval of said proposal,

Resolved, That said recommendation be and the same hereby is approved; that Interborough Rapid Transit Company be and hereby is directed and authorized to perform the work of completing the necessary concrete flooring about the escalator well; to install the tile and railing necessarily incidental to the installation of the said escalator at the Park Place Station aforesaid, such work to be classified as Construction and the cost thereof to be charged to the contribution of the Interborough Rapid Transit Company to the Cost of Construction under and in accordance with the provisions of said Contract No. 3, it being understood that the necessary alteration in the steel and the supply and installation of the checkered plates necessary for the installation of said escalator will be performed by said Interborough Rapid Transit Company as a part of Equipment, as defined in said Contract No. 3.

473—R. T. 6668

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Furnishing Insulator Caps, Cups, Supports and Pins—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated March 13, 1923, requesting approval of a proposed purchasing agent's order directed to the Eastern Malleable Iron Company, Troy Malleable Iron Works, for furnishing insulator caps, cups, supports and pins at a total cost of \$3,400 as part of equipment necessary for the initial operation of the Fourteenth Street-Eastern Line.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 27, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs recommending that the work be classified as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, Lindley M. Garrison, as Receiver of said New York Municipal Railway Corporation, has, by communication dated March 13, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated March 13, 1923, directed to Eastern Malleable Iron Company, Troy Malleable Iron Works, for the following:

1900 M. I. Third Rail Insulator Caps, to be dipped in hot asphaltum, Dwg. A-1071 furnished.....	10¢ lb. net includes asphaltung
1000 M. I. Third Rail Insulator Cups, Dwg. A-64 furnished	9¢ lb. net
2000 M. I. Third Rail Insulator Supports, Type "A" Dwg. No. A-1073-1 furnished.....	9-3/8¢ lb. net includes painting with red lead.
2000 M. I. Third Rail Pins, Dwg. A-1071 furnished.....	9¢ lb. net delivered

which proposed purchasing agent's order has been caused to be designated as "Approval No. 343"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission has, by communication dated March 27, 1923, reported that such insulator accessories form part of Equipment necessary for initial operation of the Fourteenth Street-Eastern Line described in said Contract No. 4; that the following bids were received for said material:

	<i>Eastern M. I. Co.</i>	<i>American Malleable. Co.</i>
Caps	10¢ lb. includes dipping	10 3/8¢ lb. not dipped
Cups	9¢ lb.	12 1/8¢ lb.
Supports	9 3/8¢ lb. includes painting with red lead.	9 3/8¢ lb.
Pins	9¢ lb.	12 1/8¢ lb.
National Malleable Castings Malleable Iron Fittings Co.		Could not quote. Average of 15¢ per lb.

; that the prices are the best obtainable and are reasonable; that the quantity of material is proper and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs has, by endorsement dated March 31, 1923, recommended that such work be classified as Equipment of the Railroad described in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission, made part of said proposed purchasing agent's order.

474—R. T. 6645

Fulton Street Elevated Line—Communication from New York Municipal Railway Corporation Objecting to Certain Portions of Resolution of December 12, 1922, Approving Plans for Strengthening Structure between Nostrand Avenue and Tillary Street—Report by Commissioner O'Ryan Recommending Modification of Resolution—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated December 21, 1922, objecting to certain parts of the resolution adopted on December 12, 1922, approving plans for the strengthening of the elevated structure of the Fulton Street Line between Nostrand Avenue and Tillary Street with respect to the classification and charge for the work.

A report was presented from Commissioner O'Ryan dated April 3, 1923, recommending that the resolution of December 12, 1922, be modified.

The following resolution was adopted:

Whereas, By resolution adopted December 12, 1922 this Commission approved, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, and pursuant also to the provisions of the certificates allied with said Contract No. 4 for Extensions and Additional Tracks, the proposal of the Receiver of said New York Municipal Railway Corporation for the strengthening of the longitudinal girders of the Fulton Street Line of the Existing Railroads, as described in said Contract No. 4, from Nostrand Avenue to Cumberland Street, at an approximate cost of \$43,500, and the reinforcement of the cross girders of said structure from Nostrand Avenue to Tillary Street, at an approximate cost of \$31,500; and

Whereas, The General Manager for the Receiver of New York Municipal Railway Corporation has objected to portions of the said resolution, and conferences have been had with respect to the subject of modifying said resolution adopted as aforesaid on December 12, 1922; and

Whereas, By communication dated April 3, 1923 Hon. John F. O'Ryan, Commissioner, has recommended, as therein more particularly set forth, the making of certain changes in said resolution,

Resolved, That said recommendation be and the same hereby is approved; that said resolution of December 12, 1922 so adopted be and the same hereby is modified as follows: (1) by striking from the sixth and seventh lines of the second paragraph thereof the following words:

"* * * on account of the lack of proper maintenance and * * *"

and (2) that Subdivision (2) of the third paragraph of said resolution be amended so as to read as follows:

"The Commission reserves the right, in the event that the additional track is built, to have determined the question whether the amount now capitalized as a betterment to the extent then replaced, should be taken from the depreciation fund and expended on the new construction on the ground that such replacement does not come within that provision of the Additional Track Certificate requiring the capitalization in connection with the additional tracks (or of reconstruction of existing railroads) of the cost of 'replacements, substitutes or renewals not due to wear and tear from operation and necessitated by the modifications or reconstructions of existing structures of said Subway Company to facilitate construction or use of such plant and structure under this certificate.'"

—and (3) that Subdivision (b) of the last paragraph of said resolution be amended so as to read as follows:

“The Commission reserves the right in the event that the additional track as authorized by said certificate aforesaid is built within the limits of the work to be performed pursuant to said application hereby approved to have determined the question whether the amount now capitalized as a betterment, to the extent then replaced shall be taken from the appropriate Depreciation Fund and expended on the new construction, as more particularly provided in Subdivision (2) of the report of the Auditor of Rapid Transit Costs hereinbefore set forth.”

475—R. T. 7556

Route No. 26—Application by Joslin Construction Company, Inc., for Approval of Assignment to Mechanics Trust Company of All Moneys Due or to Grow Due under Contract for Construction of Jackson Avenue Station—Approval Resolution

An application was presented from the Joslin Construction Company, Inc., dated April 4, 1923, requesting approval of a proposed assignment to The Mechanics Trust Company of all moneys due or to grow due from the City of New York in connection with the contract dated July 7, 1922, for the construction of the Jackson Avenue Station, Route No. 26.

The following resolution was adopted:

Whereas, Joslin Construction Company, Inc., by instrument duly signed, and acknowledged on the 5th day of April, 1923, has assigned, transferred and set over to The Mechanics' Trust Company of New Jersey, all moneys due and to become due on account of a certain contract between The City of New York, acting by the Transit Commission, and said Joslin Construction Company, Inc., dated July 7, 1922, for the construction of the Jackson Avenue Station of the Steinway Tunnel Line, Route No. 26, in the amount of Three Hundred and Eighty-five Thousand Nine Hundred and Eighty-four and 70/100 (\$385,984.70) Dollars; and

Whereas, Said Joslin Construction Company, Inc., has by communication, dated April 4, 1923, made application to the Commission for its approval of said assignment; and

Whereas, Counsel to the Commission has examined said assignment and finds no objection thereto;

Resolved, That the said assignment be and the same hereby is approved subject to all the terms and conditions in said contract and upon condition further;

First: That said assignment and the consent of this Commission herein given shall in no respect defeat or impair such rights and remedies as subcontractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment and the consent of this Commission herein given shall in no respect affect the rights of The City of New York or of this Commission or of any board, officer, agent or employee acting for The City of New York or this Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: That this consent shall be of no force or effect unless and until there shall be delivered to this Commission an acceptance by said Joslin Construction Company, Inc., and said The Mechanics' Trust Company of New Jersey in form to be approved by Counsel to this Commission and duly executed and acknowledged accepting the terms of this consent herein given, and unless and until it shall be consented to in

writing in form to be approved by Counsel to this Commission by the sureties upon the bond deposited for the faithful performance of said contract.

476—R. T. 6080

Route No. 48, Section No. 2—Application of James F. McLaughlin for Permission to Occupy Space on South Side of Beekman Street Near William Street, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from James F. McLaughlin dated April 2, 1923, requesting permission to occupy a space on the south side of Beekman Street, near William Street, Borough of Manhattan, for a trucking station, at a rental of \$30.00 per month, beginning April 1, 1923.

A report was presented from the Real Estate Clerk dated April 2, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, James F. McLaughlin, of No. 554 44th Street, Borough of Brooklyn, City and State of New York, by application dated April 2, 1923, proposed to rent a small vacant area with a frontage of 10 feet on Beekman Street and 15 feet deep, at the northwesterly corner of the property at the southwesterly corner of William Street and Beekman Street, Borough of Manhattan, for a trucking stand, agreeing to pay \$30.00 per month beginning April 1, 1923, to deposit \$30.00 as security for the replacement of the portion of the fence he will have to remove for his concession, to vacate on fifteen (15) days' notice and to observe the other usual conditions, included in his application, usually imposed for concessions of this character; and

Whereas, The Real Estate Clerk, under date of April 2, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on the said application.

477—R. T. 6080

Centre Street Loop—Application by Joseph G. Pringle for Permission to Occupy Premises on West Side of Centre Street between Canal and Howard Streets, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application dated April 4, 1923, was presented from Joseph G. Pringle, requesting permission to occupy the premises on the west side of Centre Street between Canal and Howard Streets, at a rental of \$16.80 per week, beginning March 1, 1923, and continuing until such time as transfer of title to the property is made.

The report was presented from the Real Estate Clerk dated April 6, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Joseph G. Pringle by application dated April 4, 1923, has requested permission to remain in possession of a concession occupied by him on the westerly side of Centre Street between Canal and Howard Streets, Borough of Manhattan, immediately adjoining the concession of Charles Ramer on the north, at a rental of \$16.80 per week beginning March 1, 1923, and continuing indefinitely, subject to forty-eight (48) hours' notice to vacate or to automatic cancellation upon the delivery of the title by the City to another party, said application containing the usual conditions otherwise as are contained in similar rental agreements, for the purpose of conducting a lunch wagon; and

Whereas, The Real Estate Clerk, under date of April 6, 1923, has advised that he has conditionally received rental at the above rate for the period beginning March 1, 1923, and ending April 11, 1923; also an additional deposit of \$16.80 as security for the payment of rental for the final week of occupancy and the sum of \$20.00 as security for the payment of water bills, recommending that this application be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application; and it is further

Resolved, That Counsel be, and he hereby is, authorized to cancel this concession at any time, if such course shall, in his judgment, be necessary in the City's interest in connection with the transfer of the title of this property to the purchaser thereof.

478—R. T. 6080

Centre Street Loop—Application by Charles Ramer for Permission to Occupy Premises on West Side of Centre Street between Canal and Howard Streets, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application dated April 5, 1923, was presented from Charles Ramer requesting permission to occupy the premises on the west side of Centre Street between Canal and Howard Streets at a rental of \$11.20 per week beginning March 1, 1923, and continuing until such time as transfer of title to the property is made.

A report was presented from the Real Estate Clerk dated April 6, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Charles Ramer by application dated April 5, 1923, has requested permission to remain in possession of a concession occupied by him on the westerly side of Centre Street between Canal and Howard Streets, Borough of Manhattan, adjoining the subway station entrance, at a rental of \$11.20 per week beginning March 1, 1923 and continuing indefinitely, subject to forty-eight (48) hours' notice to vacate or to automatic cancellation upon the delivery of the title by the City to another party, said application containing the usual conditions otherwise as are contained in similar rental agreements, for the purpose of conducting a stand for the sale at retail of candies, cigars, and cigarettes, soft drinks and the like; and

Whereas, The Real Estate Clerk, under date of April 6, 1923, has advised that he has conditionally received rental at the above rate for the period beginning March 1, 1923 and ending April 11, 1923; also an additional deposit of \$11.20 as security for the payment of rental for the final week of occupancy, recommending that this application be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application; and it is further

Resolved, That Counsel be, and he hereby is, authorized to cancel this concession, at any time, if such course shall, in his judgment, be necessary in the City's interest in connection with the transfer of the title of this property to the purchaser thereof.

479—R. T. 7354

Contract No. 3—Stipulation Extending Time for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1921—Approved

The Commission approved a stipulation dated March 31, 1923, between the Commission and the Interborough Rapid Transit Company extending the time to and including 30 days after receipt of legal notice by either party that it requires an agreement to be entered into with respect to the amount and classification of

depreciation and excess maintenance for the fiscal year ended June 30, 1921, provided for in Subdivision 5 of Article XLIX of Chapter II of Contract No. 3.

480—R. T. 7354

Contract No. 3—Stipulation Extending Time for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1922—Approved

The Commission approved a stipulation dated March 31, 1923, between the Commission and the Interborough Rapid Transit Company extending the time to and including 30 days after receipt of legal notice by either party that it requires an agreement to be entered into with respect to the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1922, provided for in Subdivision 5 of Article XLIX of Chapter II of Contract No. 3.

481—R. T. 7235

Elevated Extension Certificate—Stipulation Extending Time for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1921—Approved

The Commission approved a stipulation dated March 31, 1923, between the Commission and the Interborough Rapid Transit Company extending the time to and including 30 days after receipt of legal notice by either party that it requires an agreement to be entered into with respect to the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1921, provided for in Subdivision 5 of Article XII of the Extension Certificate of the Interborough Rapid Transit Company.

482—R. T. 7235

Elevated Extension Certificate—Stipulation Extending Time for Determination as to Depreciation and Excess Maintenance for Year Ended June 30, 1922—Approved

The Commission approved a stipulation dated March 31, 1923, between the Commission and the Interborough Rapid Transit Company extending the time to and including 30 days after receipt of legal notice by either party that it requires an agreement to be entered into with respect to the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1922, provided for in Subdivision 5 of Article XII of the Extension Certificate of the Interborough Rapid Transit Company.

483—R. T. 6595

Contract No. 4—Statement from New York Consolidated Railroad Company of Results of Operation for Month of February, 1923, and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

A communication dated April 5, 1923, from the New York Consolidated Railroad Company, by Howard Abel, Comptroller for Lindley M. Garrison, Receiver, submitting statements of Results of Operation for the month of February, 1923, for the period from August 4, 1913 to February 28, 1923, and the status of the Maintenance and Depreciation Funds, under Contract No. 4, was referred to the Chief Accountant.

484—Case 2669

Degnon Terminal Railroad Corporation—Form of Annual Report for the Year Ending December 31, 1922—Extension Order Adopted

The Secretary presented a communication, dated March 31, 1923, from the Degnon Terminal Railroad Corporation by Bernard Fisher, Treasurer, asking for an extension of time to May 15, 1923, within which to file its annual report pursuant to the Order in Case No. 2669, adopted January 23, 1923. The Secretary also presented a report, dated April 3, 1923, by H. S. Fischer, Statistician, recommending an extension of time to May 10, 1923, which said report was approved by the Acting Chief, Bureau of Accounting and Valuations and the Acting Chief Executive Officer.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2669, granting the Degnon Terminal Railroad Corporation an extension of time to May 10, 1923, within which to file its annual report.

485—Case 2677

Sixth Avenue Railroad Company—Application for Approval of Declaration of Abandonment of Portion of Route on Lenox Avenue between 110th Street and 116th Street, Borough of Manhattan—Report by Secretary—Order Approving Abandonment Adopted

Secretary James B. Walker, who held the hearing in Case No. 2677, having been designated by the Commission pursuant to Sections 8 and 11 of the Public Service Commission Law, presented his report, dated April 7, 1923, recommending that the application of the Sixth Avenue Railroad Company for approval of a declaration of abandonment of its railroad and franchises on Lenox Avenue between 110th Street and 116th Street, in the Borough of Manhattan, be granted.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2677, approving the declaration of abandonment of the Sixth Avenue Railroad Company upon and along Lenox Avenue between 110th Street and 116th Street, in the Borough of Manhattan, and authorizing the endorsement of such approval upon such declaration of abandonment and directing that said declaration of abandonment so endorsed should be filed and recorded in the office of the Secretary of State.

486—Case 2674

Brooklyn Eastern District Terminal—Application for Approval and Permission to Acquire by Condemnation Certain Real Property Located at No. 80 Kent Avenue, Brooklyn—Report and Opinion by Counsel Recommending Approval—Approved

The Secretary presented a report, dated April 9, 1923, by George O. Redington, Counsel to the Commission, authorized to conduct the hearing in Case No. 2674, recommending that the Commission give its certificate of public need for the freight terminal accommodations to provide which the condemnation of No. 80 Kent Avenue, Brooklyn, was sought by the Brooklyn Eastern District Terminal, and that an Order to that effect and granting such approval be made.

Thereupon, the Commission approved and ordered filed the above-mentioned report.

487

Belt Line Railway Corporation v. Newton—Action for Injunction to Restrain Enforcement of Order Requiring Exchange of Transfers—Communication from Counsel Transmitting Brief Filed with Special Master—Filed

The Secretary presented a communication, dated April 3, 1923, from Assistant Counsel Stover, approved by Counsel, transmitting copy of a brief of Howard Thayer Kingsbury, Special Counsel to the Commission filed on behalf of the Commission, with the Special Master appointed by the District Court of the United States for the Southern District of New York, in the action commenced therein by the Belt Line Railway Corporation against the Attorney General, the Commission et al. to restrain the enforcement of the Commission's Order requiring the exchange of transfers by the plaintiff at 59th Street, Borough of Manhattan.

Thereupon, the above mentioned papers were ordered filed.

488—R. T. 7589

Contract No. 3—Notice by Chief Engineer of Commencement of Work for Furnishing and Erecting Structural Steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Filed

A report was ordered filed from the Chief Engineer dated April 5, 1923, advising of the commencement of work by McClintic-Marshall Company on March 27, 1923, for furnishing and erecting structural steel for the Third Addition to Shops at the Lenox Avenue and 148th Street Yard.

489—R. T. 7635

Agreement "CE"—Notice by Chief Engineer of Commencement of Work for Changes in Subway Structure so as to Permit Widening of Certain Streets in Borough of Manhattan—Filed

A report was ordered filed from the Chief Engineer dated April 6, 1923, advising of the commencement of work by Benedetto & Saussez on April 3, 1923, for changes in the subway structure of the Broadway-Fourth Avenue Rapid Transit Railroad so as to permit the widening of certain streets in the Borough of Manhattan.

490—R. T. 7419

Contracts Nos. 3 and 4—Statement as to Execution and Delivery of Original Contract for Completion of Built-in News-stand Enclosures at Stations—Contract Filed

The Commission ordered filed an original contract dated March 29, 1923, between the City of New York, acting by the Transit Commission, and Fox, Reynolds Co., Inc., for the completion of built-in news-stand enclosures at stations of municipal rapid transit railroads, which contract had been executed on behalf of both parties and delivered on April 9, 1923.

491—R. T. 6407

Route No. 52—Certified Copy of Resolution of Board of Estimate and Apportionment Directing that Title to Amity Street between Main and Lawrence Streets, Flushing, Shall Become Vested in The City of New York on April 2, 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 28, 1923, was ordered filed:

(Cal. No. 51)

Whereas, The Board of Estimate and Apportionment on the 13th day of October, 1916, adopted a resolution requesting the Corporation Counsel to institute proceedings to acquire title in fee wherever the same has not heretofore been acquired, for the use of the public, to the real property required for the opening and extending of Amity street from Wateredge avenue to Main street; and Roosevelt avenue from Wateredge avenue to a line passing through the angle points distant respectively 415.96 and 420.50 feet east of Hewitt avenue, in the Borough of Queens, City of New York; which proceedings were amended on March 1, 1918, and July 19, 1922, so as to provide for the acquisition of title to 40th avenue (Amity street) and Roosevelt avenue from Main street to a line passing through the angle points respectively 399.57 feet and 474.55 feet east of Willets Point boulevard, Borough of Queens, with the provision that title to the land be acquired in fee except at the Flushing River crossing, where the title shall be an easement which will enable the City to construct a bridge to carry the street across Flushing River; and

Whereas, Commissioners of Estimate and Assessment have been appointed by the Supreme Court in the proceedings to acquire title to said real property, and the oaths of the said Commissioners of Estimate and Assessment were duly filed as required by law on the 14th day of March, 1917; and the order of the Supreme Court ratifying the amendment of March 1, 1918, was entered on December 9, 1920, and the order ratifying the amendment of July 19, 1922, was entered on December 5, 1922; and

Whereas, By virtue of resolution of the Board of Estimate and Apportionment adopted on December 8, 1922, title in fee to the real property lying within the lines of Damage Parcels Nos. 7, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 75-A, 76 and 77, in said proceeding became vested in The City of New York on the 15th day of December, 1922; be it

Resolved, That the Board of Estimate and Apportionment, deeming it for the public interest and in pursuance of the provisions of section 976 of the Greater New York Charter, as amended, directs that upon the 2d day of April, 1923, the title in fee to the real property lying within the lines of 40th avenue (Amity street) between Main street and a line passing through the angle points on the northerly and southerly lines of 40th avenue respectively 618.81 feet and 674.49 feet west of the westerly line of Lawrence street, in the Borough of Queens, City of New York, so required, where not heretofore vested in The City of New York, shall become vested in The City of New York.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 28, 1923.

JAMES MATTHEWS,
Assistant Secretary.

492

Expenses—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$200,000 as Part of Expenses for Year Ending December 31, 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on March 28, 1923, was ordered filed:

(Cal. No. 12)

Resolved, That the Board of Estimate and Apportionment, in accordance with the requisition of the Transit Commission, dated December 7, 1922, and pursuant to the provisions of chapter 134 of the Laws of 1921, without waiving the contention of the

[April 10, 1923

City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby authorizes an appropriation in the sum of two hundred thousand dollars (\$200,000), in addition to the amount heretofore appropriated, to properly enable the Transit Commission to do and perform or cause to be done and performed, for the year ending December 31, 1923; the duties imposed upon said Commission by the said law; and the Comptroller is hereby authorized, pursuant to law, and the said requisition of the Transit Commission, to issue special revenue bonds of The City of New York to an amount not exceeding two hundred thousand dollars (\$200,000), redeemable from the tax levy of the year next succeeding the year of their issue, the proceeds to be used for the purposes aforesaid.

A true copy of resolution adopted by the Board of Estimate and Apportionment, March 28, 1923.

JAMES MATTHEWS,
Assistant Secretary.

493—R. T. 6761

Contract No. 3—Letter from Interborough Rapid Transit Company Transmitting Copy of Contract Providing for Repairs to Three Turbines in 59th Street Power Station—Filed

The Commission ordered filed a letter of the Interborough Rapid Transit Company dated April 7, 1923, transmitting a copy of a contract dated January 5, 1923 with the General Electric Company providing for repairs and changes to the three 30,000 k.w. Curtis turbines in the 59th Street Power Station.

494—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Submitting List of Sub-contracts Approved during Month of March, 1923—Filed

The following report by the Chief Engineer was ordered filed:

April 9, 1923.

To TRANSIT COMMISSION.

List of Sub-Contracts

I submit, as follows, a list of sub-contracts, approved by this Department during the month of March.

Route No.	Section No.	Contractor.	Sub-Contractor.	Date of Approval.	Materials.
8	Secs. 1-5 (Station Finish.)	Chas. H. Brown & Son, Corp.	Renner & Maras Inc. United Metal Box Co., Inc.	3/14/23 3/14/23	Ticket booth grilles and panel frames. Ventilation boxes for ticket booths.
8	6-A 1	Frederick L. Cranford, Inc.	Electric Welding Co.	3/12/23	Reinforcing rods.
18	239th St. Yard Installation of tracks including furnishing part of track materials and construction of drainage system and concrete (inspection pits).	Michael Del Balso.	Ames Building Material Co.	3/12/23	Sand and gravel, T.C. Inspected.

Route No.	Section No.	Contractor.	Sub-Contractor.	Date of Approval.	Materials.
18	Track Installation, 239th St. Yard.	Slattery Engineering & Construction Co., Inc. (Sub-contractor for Michael Del Balso.)	Vulcan Rail & Construction Co. National Bridge Works.	3/27/23 3/27/23	Furnishing and erecting hand rail. Miscellaneous steel.
35 & 67		Powers-Kennedy Cont. Corp.	Hunterspoint Lumber & Supply Co.	3/20/23	Sand, T.C. Inspected.
52	Sec. 1, Column Foundations.	Gustin - Morris Cont. Corp.	American Bridge Co.	3/26/23	Steel for anchor bolts and plate, T.C. Inspected.
			Concrete Steel Co.	3/26/23	Reinforcing rods T.C. Inspected.
	Agreement "CA"—Construction of Transformer Closets for Emergency Lighting, Borough of Manhattan.	B. T. & J. J. Mack, Inc.	Knowburn Products Co. and Grand Central Iron Works.	3/15/23	Furnishing various doors.
			D. H. McLauray Co.	3/24/23	Tile and mosaic work.
	Third Addition to Shops, 148th St. and Lenox Ave. Yard—Constructing Foundations.	Rosenthal Engineering Contracting Co., Inc.	McClintic-Marshall Construction Co.	3/24/23	Structural steel.
			Truscon Steel Co. (in place of Concrete Steel Co.)	3/ 3/23	Reinforcing rods.
	Contract No. 1, 168th St. Station.	Holbrook, Cabot & Rollins Corp.	Whale Creek Iron Works.	3/28/23	Railings and iron work.
	News-stand Enclosures, Contracts 3 and 4	Fox, Reynolds Co., Inc.	George K. Sabini Theodore C. Wood.	3/ 5/23	Kalamein work. "Lehigh" Portland Cement. Sand.
			Manhattan Sand Co.		
			United El. Lt. & Power Co.		Cinders.

ROBERT RIDGWAY,
Chief Engineer.

Employees' Resolution No. 136

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Timothy J. Carroll, junior assistant, at \$125.08 per month, to take effect April 2, 1923; William H. Eberhardt, junior assistant, at \$125.08 per month, to take effect April 10, 1923; James C. Lovely, engineering inspector, at \$150.08 per month, to take effect April 2, 1923; Isidor Mager, junior assistant, at \$125.08 per month, to take effect April 10, 1923; Harry Newman, junior assistant, at \$125.08 per month, to take effect April 4, 1923; Milton Sokolow, junior assistant, at \$125.08 per month, to take effect April 10, 1923.

Appointments under Rule VIII:4—George M. Biales, draftsman, at \$150.08 per month, to take effect April 3, 1923; Julio M. Conesa, draftsman, at \$150.08 per month, to take effect April 10, 1923; Peter F. McBride, draftsman, at \$150.08 per month, to take effect April 5, 1923; James P. O'Shea, junior assistant, at \$125.08 per month, to take effect April 9, 1923; Mortimer Schoener, draftsman, at \$150.08 per month, to take effect April 6, 1923; Benjamin Silverman, architectural draftsman, at \$150.08 per month, to take effect April 6, 1923; Martiman G. Smolensky, draftsman, at \$150.08 per month, to take effect April 4, 1923; Paschal Tatore, draftsman, at \$150.08 per month, to take effect April 4, 1923.

Resignation—Marius L. Spinelli, junior assistant, at \$125.08 per month, to take effect April 7, 1923.

Termination of Appointments under Rule VIII:9—William H. Eberhardt, junior assistant, at \$125.08 per month, to take effect April 9, 1923; Isidor Mager, junior assistant, at \$125.08 per month, to take effect April 9, 1923; Milton Sokolow, junior assistant, at \$125.08 per month, to take effect April 9, 1923.

Transferred from State Commission of Highways—Louis Altschuler, junior assistant, at \$125.08 per month, to take effect April 4, 1923.

Leave of Absence with Pay—Mary A. Dargin, stenographer, from March 16, 1923 to March 25, 1923.

Death—Mary A. Dargin, stenographer, \$125.08 per month, March 25, 1923.

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Employees' Resolution No. 137

On motion, duly seconded and unanimously adopted, it was

Ordered, That in the absence of the Chief Engineer from April 13, 1923 to April 22, 1923, both inclusive, Sverre Dahm, Engineer of Designs, be and he hereby is, designated as Acting Chief Engineer.

497

Voucher Schedule No. 15

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 344-375, open market orders, \$1,537.66; Vouchers Nos. 186-209, miscellaneous bills, \$6,332.32;

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 83; Lindley M. Garrison, Receiver, New York Consolidated Railroad Company, and the New York Consolidated Railroad Company; approximate estimate No. 2, for installing tracks, etc., at and near the Queensboro Plaza station, from January 1, 1923 to January 31, 1923 (R. T. 7585) \$14,647.78;

Voucher No. 84; Michael DelBalso; approximate estimate No. 3 for the installation of tracks, including the furnishing of part of the track materials etc. for a portion of the White Plains Road, Route No. 18, 239th Street Yard, from March 1, 1923 to March 31, 1923 (R. T. 7528) \$6,279.95;

Voucher No. 85; Rosenthal Engineering Contracting Company, Inc.; approximate estimate No. 7 for the construction of inspection shed enclosure for Route No. 18, 180th Street Yard, from February 1, 1923 to March 31, 1923 (R. T. 7457) \$4,652.01;

Voucher No. 86; George Colon & Company; approximate estimate No. 10 for the construction of Union Square Passageway connection station, Routes Nos. 5 and 8, from March 1, 1923 to March 31, 1923 (R. T. 7513) \$1,677.90;

Voucher No. 87; Frederick L. Cranford, Inc.; approximate estimate No. 9 for the reconstruction of a part of Section No. 3 of Route No. 33, completion of Lawrence Street station, from March 1, 1923 to March 31, 1923 (R. T. 7454) \$20,578.26;

Voucher No. 88; Wagner Engineering Co.; approximate estimate No. 3 for the construction of direction signs at stations of rapid transit railroads of the City of New York from March 6, 1923 to April 5, 1923 (R. T. 7482) \$1,441.36;

Voucher No. 89; T. H. Reynolds Contracting Co., Inc.; approximate estimate No. 4 for the installation of tracks in Sections Nos. 1 to 5 inclusive, Route No. 8, from March 1, 1923 to March 31, 1923 (R. T. 7536) \$26,690.08;

Voucher No. 90; Slattery Engineering & Construction Co., Inc.; approximate estimate No. 5 for the construction of additional approach track to the Lenox Avenue and 148th Street Yard, under Contract No. 3 (R. T. 7366) \$11,542.58;

Voucher No. 91; Powers-Kennedy Contracting Corporation; approximate estimate No. 10, for the construction of a part of the Queensboro Subway, Routes Nos. 35 and 67, from March 1, 1923 to March 31, 1923 (R. T. 7584) \$52,063.63;

Voucher No. 92; Joslin Construction Company, Inc.; approximate estimate No. 8, for the reconstruction of a part of Queensboro Subway, Route No. 26, Jackson Avenue station, from March 1, 1923 to March 31, 1923 (R. T. 7556), \$12,614.85
Voucher No. 93; Holbrook, Cabot & Rollins Corporation; approximate estimate No. 10, for the construction of a new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, from March 1, 1923 to March 31, 1923 (R. T. 6114) \$5,554.24.

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Upon motion, duly seconded and adopted, the meeting was adjourned to Wednesday, April 18, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, April 11, 1923

499

Hearing

The following hearing was held:

11 A. M.; Case No. 2679; Brooklyn Rapid Transit Company, et al., application of Stockholders' Committee for approval of Plan of Reorganization. Chairman McAneny and Commissioner Harkness were present. Adjourned to April 20, 1923 at 11 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, April 13, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.
The following matter was presented and action taken as noted:

500—R. T. 7636

Route No. 16—Receipt of Bids for Construction of Inspection Shed and Service Buildings at Jerome Avenue Yard—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of an inspection shed and service buildings at the Jerome Avenue Yard had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the eight bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, April 18, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

501—R. T. 7637

Route No. 16—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders for Inspection Shed and Service Buildings at Jerome Avenue Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on April 13, 1923, for the construction of an inspection shed and service buildings at the Jerome Avenue Yard, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of Five thousand (\$5,000) dollars, deposited with their bids.

502—R. T. 7635

Route No. 16—Report by Acting Chief Engineer as to Receipt of Bids for Inspection Shed and Service Buildings at Jerome Avenue Yard and Recommendation for Award of Contract to Jacob Schlesinger, Inc., at Bid Price of \$369,402.40—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

April 16, 1923.

TO: THE TRANSIT COMMISSION.

Award of Contract to Jacob Schlesinger, Inc., for Construction of Inspection Shed and Service Buildings, Jerome Avenue Yard, Route No. 16.

On April 13th, the following eight (8) bids for work under contract for Construction of Inspection Shed and Service Buildings of the Jerome Avenue Yard, Route No. 16, were received:

	<i>Brick Walls</i>	<i>Concrete Walls</i>
Jacob Schlesinger, Inc., 259 West 30th Street, N. Y. C.....	\$377,402.40	\$369,402.40
D. C. Serber, 451 West 16th Street, N. Y. C.....	390,350.00	388,750.00
Lustig & Weil, 103 Park Avenue, N. Y. C.....	399,714.13	391,714.13
Willets Construction Co., Inc., 280 Madison Avenue, N. Y. C.....	419,330.50	416,130.50
McHarg Barton Co., 1328 Broadway, N. Y. C.....	436,617.52	431,817.52
P. T. Cox Contracting Co., Inc., 154 Nassau Street, N. Y. C.....	456,941.00	447,821.00
Post & McCord, 101 Park Avenue, N. Y. C.....	508,553.90	504,137.90
Thomas Dwyer, Broadway & 216th Street, N. Y. C.....	512,423.00	512,423.00

Our estimate for this work amounted to, with brick walls, \$408,114.00; with concrete walls, \$392,114. Jacob Schlesinger, Inc., the lowest bidder, is now doing work for the Commission under contract for Second Addition to Shops, 148th Street and Lenox Avenue Yard, which contract amounts to about \$313,000. Jacob Schlesinger has also

completed a contract for station finish for the Broadway and Canal Street Stations, Routes Nos. 5 and 20, which contract amounted to about \$23,000 on which they have received their final estimate. All of this work has been done to our satisfaction.

I send you copy of minutes of a conference held in this office with representatives of Jacob Schlesinger, Inc., on April 14th, also copy of letter dated April 16, 1923 from that firm written at my request after the conference in this office, also copy of its financial statement.

Transmitted herewith are twelve (12) prints of summation of bids.

Recommendation: I respectfully recommend that the contract for Construction of Inspection Shed and Service Buildings at the Jerome Avenue Yard, Route No. 16, be awarded to the lowest bidder, Jacob Schlesinger, Inc., on the basis of the concrete walls alternative at the bid figure of \$369,402.40 and that a request for an appropriation of this amount be sent to the Board of Estimate and Apportionment to be charged to Contract No. 3.

SVERRE DAHM,
Acting Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for Construction of Inspection Shed and Service Buildings of the Jerome Avenue Yard, Route No. 16, was finally adopted on March 27, 1923, and subsequent to advertisement duly made bids respectively totaling as follows were received on April 13, 1923:

Jacob Schlesinger, Inc.....	\$369,402.40
D. C. Serber.....	388,750.00
Lustig & Weil.....	391,714.13
Willets Construction Co., Inc.....	416,130.50
McHarg Barton Co.....	431,817.52
P. T. Cox Contracting Co., Inc.....	447,821.00
Post & McCord	504,137.90
Thomas Dwyer	512,423.00

; and

Whereas, The Acting Chief Engineer of this Commission, by communication dated April 16, 1923, has reported that the amount of said low bid is reasonable and that the said Jacob Schlesinger, Inc. is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$369,402.40, the amount estimated to be necessary to carry out said proposed contract on the part of the City,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby are approved; that the bid of Jacob Schlesinger, Inc. be and the same hereby is accepted and that the said proposed contract for Construction of Inspection Shed and Service Buildings of the Jerome Avenue Yard, Route No. 16, be and hereby is awarded to said Jacob Schlesinger, Inc., subject to its being consented to in form and substance as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$369,402.40, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 18, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Jacob Schlesinger, Inc., for Construction of Inspection Shed and Service Buildings of the Jerome Avenue Yard, Route No. 16, together with a requisition upon your Honorable Board for the appropriation of the sum of Three hundred sixty-nine thousand four hundred and two dollars and

forty cents (\$369,402.40), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on April 13, 1923, respectively totaling as follows:

Jacob Schlesinger, Inc.....	\$369,402.40
D. C. Serber.....	388,750.00
Lustig & Weil.....	391,714.13
Willeys Construction Co., Inc.....	416,130.50
McHarg Barton Co.....	431,817.52
P. T. Cox Contracting Co., Inc.....	447,821.00
Post & McCord.....	504,137.90
Thomas Dwyer.....	512,423.00

The Acting Chief Engineer of this Commission, in a communication dated April 16, 1923, reports that the bid of Jacob Schlesinger, Inc., the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the said Jacob Schlesinger, Inc., subject to its being approved and consented to in form and substance, as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Three hundred sixty-nine thousand four hundred and two dollars and forty cents (\$369,402.40), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Three hundred sixty-nine thousand four hundred and two dollars and forty cents (\$369,402.40).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a subrequisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, and the appropriations made thereunder by your Honorable Board.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

503—R. T. 6597, 7657

Contract No. 1—Report by Chief Engineer Recommending Installation of Exit Turnstile on Northbound Platform of Prospect Avenue Station—Report by Auditor of Rapid Transit Costs Classifying Work and Assigning Work Order No. 1CCA-2—Approval Resolution—Requisition upon Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated December 21, 1922, recommending approval of the installation of an exit turnstile at the south end of the northbound platform of the Prospect Avenue station of the Manhattan-Bronx Rapid Transit Railroad, at an estimated cost of \$600.

A report was presented from the Auditor of Rapid Transit Costs dated December 20, 1922, recommending that the work be classified as an Addition to Existing Railroads and work order No. 1CCA-2 be assigned thereto.

The following resolution was adopted:

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated September 21, 1922, recommended the approval of the installation of an exit turnstile at the south end of the northbound platform of the Prospect Avenue station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads described in the contract dated March 19, 1913, known as Contract No. 3, as an Addition to Construction, as said terms are defined in said contract; and

Whereas, The Auditor of Rapid Transit Costs, by communication dated December 20, 1922, has recommended that such proposed work be classified as an Addition to the Existing Railroads and that Work Order No. ICcA-2 be assigned thereto; and

Whereas, In accordance with the requirements of the Board of Estimate and Apportionment with respect to the performance of work of making Additions to Construction by the Lessee in accordance with the provisions of said Contract No. 3, Counsel has prepared a proposed agreement which will effect such requirement and has also submitted a proposed requisition upon the Board of Estimate and Apportionment for the consent of said Board to the making of said proposed agreement and the appropriation of one-half the estimated cost of performing the work thereunder of constructing said exit turnstile.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed agreement and requisition so submitted be and the same hereby are approved; that this Commission, pursuant to the provisions of Articles LXX and LXXI of Chapter IV of Part Third of said Contract No. 3 hereby orders Interborough Rapid Transit Company, as Lessee under said Contract No. 3, to construct such exit turnstile at the point hereinbefore referred to, in accordance with the plan made part of said proposed agreement hereby approved, as to which this Commission assigns Work Order No. ICcA-2, and that said proposed agreement, together with a certified copy of this resolution and the requisition hereby approved, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

April 18, 1923

Gentlemen:

The contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, provides in Article LXX and LXXI of Chapter IV of Part Third thereof as follows:

*** If at any time Additions to the Railroad or Equipment or to the Existing Railroads or Existing Equipment or any change in the mode of operating the Railroad or the Existing Railroads or conducting the business thereof are necessary in order to carry out the purposes of the lease in securing service and facilities as shall be safe and adequate and in all respects just and reasonable, the Commission may direct the construction or provision of such Additions and the making of such changes in the mode of operation of the Railroad or the Existing Railroads or in the conduct of the business thereof as may be necessary to accomplish such purposes. Such construction or provision of Additions and such changes shall be made to the satisfaction of the Commission and, when necessary, under such forms of contracts, plans, specifications and directions as it may issue or approve. If the direction shall have reference to the Equipment or to operation the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to Construction the cost of complying therewith shall be shared equally by the City and by the Lessee (except in the case of Additions to the Extensions in which event the cost shall be borne wholly by the City) and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the Commission or directly by the Lessee as the Commission may elect. If the Lessee shall neglect or refuse to comply with such directions the Commission in addition to other remedies may cause such changes or additions to be made at the expense of the Lessee.

Article LXXI. All Additions shall be identified and the cost of equipment or the cost of construction as the case may be ascertained and determined in the following manner and by the following method: No Addition shall be provided or constructed until the same shall have been ordered or approved by the Commission and in its resolution so ordering or approving the Commission shall briefly describe the Addition so ordered or approved (which is hereinafter referred to as the additional unit) and shall assign thereto a work order number. ***"

The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated September 21, 1922, recommended the approval

of this Commission to the installation of an exit turnstile at the south end of the northbound platform of the Prospect Avenue Station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads described in the contract dated March 19, 1913, known as Contract No. 3, which work the Auditor of Rapid Transit Costs of this Commission, by communication dated December 20, 1922, has classified as an Addition to the Existing Railroads.

By resolution adopted pursuant to the provisions of said Contract No. 3 hereinbefore quoted this Commission has directed Interborough Rapid Transit Company, as Lessee under said Contract No. 3, to perform such work of constructing said exit turnstile as an Addition to Construction as defined in said contract.

In accordance with the direction of your Board the Commission has made applicable to said work the standard form of agreement for the carrying out of the units of work of Additions to Construction when performed by the Lessee under said Contract No. 3 and transmits the same herewith for the consent of your Board thereto.

The estimated cost of this work is Six hundred dollars (\$600), half of which, under the provisions of Contract No. 3, must be borne by the City.

Requisition is accordingly made upon your Honorable Board for the appropriation of the sum of Three hundred dollars (\$300), being one-half of the estimated cost of constructing said exit turnstile, such requisition to be a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out the contract dated March 19, 1913, known as Contract No. 3, and the appropriations made in consequence thereof by your Board, and your Board is further requested to consent to the proposed agreement herewith transmitted between The City of New York and Interborough Rapid Transit Company, for the purpose of carrying out such work of constructing said exit turnstile at said station as an Addition to Construction in accordance with the provisions of said Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

504—R. T. 6616

Contract No. 2—Proposed Stipulations with Rapid Transit Subway Construction Company with Respect to Determination of Claims for Additional Work and Additional Materials under Contracts for Construction of Subsections 2-A and 3—Approval Resolution—Requisition upon Board of Estimate and Apportionment for \$600,000

The following stipulations were approved:

STATE OF NEW YORK.
TRANSIT COMMISSION.

IN THE MATTER

of

The Determination of the Chief Engineer of the Transit Commission as to Claims presented by the Rapid Transit Subway Construction Company designated as Claim A and B, Subsection 2-A, so far as they relate to claims for compensation for additional work performed and additional materials furnished by it under and pursuant to the provisions of the Contract dated July 21, 1902, between the City of New York, acting by the Board of Rapid Transit Railroad Commissioners for the City of New York, and said Rapid Transit Subway Construction Company for the construction, equipment, maintenance and operation of the Brooklyn-Manhattan Rapid Transit Railroad, Contract No. 2.

Whereas, The Chief Engineer of the Transit Commission has made a determination as to certain of the above claims under date of March 27, 1923, pursuant to the requirements of the writ of mandamus obtained in a proceeding entitled, *people ex. rel. Rapid*

Transit Subway Construction Company against Craven, by which determination he finds and decides "that the reasonable value of additional work done and additional materials furnished by the Contractor, the Rapid Transit Subway Construction Company for that portion of the Railroad known as Subsection No. 2-A, comprised, detailed and set forth in said A and B claims hereto annexed as presented October 2, 1912, limiting my determination to additional work and additional materials within the general purview of the Rapid Transit Railroad as described in the said routes and general plan is Two hundred and Forty thousand dollars (\$240,000)"; and

Whereas, In and by the terms of said Contract No. 2, dated July 21st, 1902, the right to appeal from such determination to arbitrators to be appointed as in said contract provided, is given to the Transit Commission or the Contractor; and

Whereas, In said A and B claims referred to in the said determination of the Chief Engineer, there are included not only claims for additional work and materials upon which the Chief Engineer has passed and to which his said determination under the terms of the contract is limited, but also claims for increased cost or expense and damages in connection with the performance of said contract, to which said determination does not apply, and which said Engineer's determination states were not considered by him in fixing the amount of additional work done or additional materials furnished in arriving at the amount of said determination; and

Whereas, The Transit Commission is unwilling to accept such determination unless the Rapid Transit Subway Construction Company will agree, upon payment of said sum of \$240,000, if paid without necessity of recourse to legal proceedings, to release all of the A and B claims presented by it in connection with the performance by it of Subsection 2-A of said Contract No. 2, dated July 21st, 1902, and will further agree to the stipulations and agreements as hereinafter set forth.

NOW, THEREFORE, IT IS STIPULATED AND AGREED between the TRANSIT COMMISSION and the RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY:

1. The Transit Commission hereby agrees that it will not appeal pursuant to the provisions of Contract No. 2, dated July 21st, 1902, from the said determination of the Chief Engineer.

2. The Rapid Transit Subway Construction Company agrees that upon the payment to it of the sum of \$240,000 as so determined by the Chief Engineer of the Transit Commission to be due it, it will concurrently with such payment, in form satisfactory to the Comptroller of the City of New York, waive and release all the items or claims included in said A and B claims, whether for additional work done or additional material furnished, or both, or for increased cost, damage and expense arising out of, under or in connection with the performance by it of Subsection 2-A of said Contract No. 2, dated July 21st, 1902, conditioned, however, that the said sum of \$240,000 be paid by the City of New York without necessity of recourse to legal proceedings to enforce its payment.

3. Copies of the said A and B claims hereinbefore referred to, which are to be released in full on condition that payment is made as hereinbefore provided of said sum of \$240,000, are, for the purpose of identification thereof, hereto annexed.

4. That the making by the Chief Engineer of the Transit Commission of his determination under date of March 27, 1923, hereinbefore mentioned, pursuant to the order and writ of mandamus in the proceeding entitled, "People ex rel. Rapid Transit Subway Construction Company v. Craven," etc. shall be without prejudice to and shall not be construed as or to operate as a waiver of claims other than said A and B claims of the Rapid Transit Subway Construction Company arising out of, under or in connection with said Contract No. 2, and shall be without prejudice to and shall not be construed as or to operate as a waiver by the City of New York or the Transit Commission of the State of New York of any defense against any such other or further claims of the Rapid Transit Subway Construction Company under or in connection with said Contract No. 2.

Dated, New York, April 5th, 1923.

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY,
By FRANK HEDLEY,
President.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

STATE OF NEW YORK
TRANSIT COMMISSION

IN THE MATTER

of

the Determination of the Chief Engineer of the Transit Commission as to Claims presented by the Rapid Transit Subway Construction Company designated as Claims C, Subsection 2-A, and as claims for four-track, connections, approaches and other additional work subsection 3 based upon cost, so far as they relate to claims for compensation for additional work performed and additional materials furnished by it under and pursuant to the provisions of the Contract dated July 21, 1902, between the City of New York, acting by the Board of Rapid Transit Railroad Commissioners for the City of New York, and said Rapid Transit Subway Construction Company for the construction, equipment, maintenance and operation of the Brooklyn-Manhattan Rapid Transit Railroad, Contract No. 2.

Whereas, The Chief Engineer of the Transit Commission has made a determination as to certain of the above claims under date of April 11, 1923, by which determination he finds and decides that the reasonable value of additional work done and additional materials furnished by the Contractor, the Rapid Transit Subway Construction Company for that portion of the Railroad known as Subsection No. 2-A, comprised, detailed and set forth in said claims hereto annexed as presented October 2, 1912, limiting his determination to additional work and additional materials within the general purview of the Rapid Transit Railroad as described in the said routes and general plan, is Sixty thousand dollars (\$60,000); and that the reasonable value of additional work done and additional materials furnished by the contractor, Rapid Transit Subway Construction Company to that portion of the railroad known as subsection 3, comprised, detailed and set forth in said subsection 3 claims hereto annexed as presented October 26, 1911 limiting his determination to additional work and additional materials within the general purview of the Rapid Transit Railroad as described in the said routes and general plan, is Three hundred thousand (\$300,000) Dollars; and

Whereas, In and by the terms of said Contract No 2, dated July 21st, 1902, the right to appeal from such determination to arbitrators to be appointed as in said contract provided, is given to the Transit Commission or the contractor; and

Whereas, In said C claims and in the claims for that portion of the railroad known as Subsection No. 3, referred to in the said determination of the Chief Engineer, there are included not only claims for additional work and materials upon which the Chief Engineer has passed and to which his said determination under the terms of the contract is limited, but also claims for increased cost or expense and damages in connection with the performance of said contract, to which said determination does not apply, and which said Engineer's determination states were not considered by him in fixing the amount of additional work done or additional materials furnished in arriving at the amount of said determination; and

Whereas, The Transit Commission is unwilling to accept such determination unless the Rapid Transit Subway Construction Company will agree, upon payment of said sums of Sixty thousand (\$60,000) dollars, and Three hundred thousand (\$300,000) dollars respectively, if paid without necessity of recourse to legal proceedings, to release all of the C claims and all of the subsection 3 claims presented by it in connection with the performance by it of Subsection 2-A and Subsection 3 respectively, of said Contract No. 2, dated July 21st, 1902, and will further agree to the stipulations and agreements as hereinbefore set forth,

Now, THEREFORE, IT IS STIPULATED AND AGREED between the TRANSIT COMMISSION and the RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY:

1. The Transit Commission hereby agrees that it will not appeal pursuant to the provisions of Contract No. 2, dated July 21st, 1902, from the said determination of the Chief Engineer.

2. The Rapid Transit Subway Construction Company agrees that upon the payment to it of the sum of sixty thousand (\$60,000) dollars and three hundred thousand (\$300,000) dollars as so determined by the Chief Engineer of the Transit Commission to be due it, it will concurrently with such payment, in form satisfactory to the Comptroller of the City of New York, waive and release all the items or claims included in the said C and subsection 3 claims, whether for additional work done or additional material furnished, or both, or for increased cost, damage and expense arising out of, under or in connection with the performance by it of subsection 2-A and subsection 3 of said Contract No. 2, dated July 21st, 1902, conditioned, however, that the said sums of Sixty thousand (\$60,000) dollars and Three hundred thousand (\$300,000) dollars respectively, be paid by the City of New York without necessity of recourse to legal proceedings to enforce its payment.

3. Copies of the said C claims and Section No. 3 claims hereinbefore referred to, which are to be released in full on condition that payment is made as hereinbefore provided of said sums of Sixty thousand (\$60,000) dollars and Three hundred thousand (\$300,000) dollars, are, for the purpose of identification thereof, hereto annexed.

4. That the making by the Chief Engineer of the Transit Commission of his determination under date of April 11, 1923, hereinbefore mentioned, shall be without prejudice to and shall not be construed as or to operate as a waiver of claims other than said C and Subsection 3 claims, of the Rapid Transit Subway Construction Company arising out of, under or in connection with said Contract No. 2, and shall be without prejudice to and shall not be construed as or to operate as a waiver by the City of New York or the Transit Commission of the State of New York of any defense against any such other or further claims of the Rapid Transit Subway Construction Company under or in connection with said Contract No. 2.

Dated, New York, April 13, 1923.

RAPID TRANSIT SUBWAY CONSTRUCTION COMPANY,
By FRANK HEDLEY, President.
TRANSIT COMMISSION,
acting for THE CITY OF NEW YORK,
By GEORGE McANENY, Chairman.

The following resolutions were adopted:

Whereas, Pursuant to the provisions of the contract dated July 21, 1902 between The City of New York and Rapid Transit Subway Construction Company, known as Contract No. 2, for the construction, equipment, maintenance and operation of the Brooklyn-Manhattan Rapid Transit Railroad and in pursuance also of the requirements of a writ of mandamus served on a predecessor, the Chief Engineer of this Commission has rendered a determination wherein he finds that the reasonable value of the additional work performed and additional materials furnished, comprised within the so-called A and B Claims on Subsection 2-A of said rapid transit railroad, is of the reasonable value of \$240,000; and

Whereas, A stipulation has been entered into between the said contractor and this Commission accepting the said determination without appeal and the contractor agreeing to waive all other claims comprised in said A and B Claims, upon condition that the said determined sum of \$240,000 is paid without recourse to legal proceedings; and

Whereas, It is necessary to make requisition upon the Board of Estimate and Apportionment for the appropriation of said sum of \$240,000 and Counsel has prepared and submitted a proposed requisition,

Resolved, That said proposed stipulation and requisition be and the same hereby are approved and that the said requisition be transmitted to said Board of Estimate and Apportionment.

Whereas, Pursuant to the provisions of the contract dated July 21, 1902, between The City of New York and Rapid Transit Subway Construction Company, known as Contract No. 2, for the construction, equipment, maintenance and operation of the Brooklyn-Manhattan Rapid Transit Railroad, the Chief Engineer of this Commission has rendered a determination wherein he finds that the reasonable value of the additional work performed and additional materials furnished, comprised within the so-called C Claims of Subsection 2-A and Subsection 3 of said rapid transit railroad, is of the reasonable value of \$360,000; and

Whereas, A stipulation has been entered into between the said contractor and this Commission accepting the said determination without appeal and the contractor agreeing to waive all other claims comprised in said C Claims, upon condition that the said determined sum of \$360,000 is paid without recourse to legal proceedings; and

Whereas, It is necessary to make requisition upon the Board of Estimate and Apportionment for the appropriation of said sum of \$360,000 and Counsel has prepared and submitted a proposed requisition,

Resolved, That said proposed stipulation and requisition be and the same hereby are approved and that the said requisition be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolutions, was as follows:

April 18, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Under date of July 21, 1902 the City, acting by the Board of Rapid Transit Railroad Commissioners for The City of New York, pursuant to the provisions of the Rapid Transit Act (Chapter 4 of the Laws of 1891 as then amended) entered into a contract with the Rapid Transit Subway Construction Company for the construction, equipment, maintenance and operation of the Brooklyn-Manhattan Rapid Transit Railroad, which contract was designated and commonly known as Contract No. 2.

By assignment dated January 30, 1913, the contractor assigned to Interborough Rapid Transit Company so much of Contract No. 2 as provided for the construction of the Railroad, together with all its rights, privileges, benefits and obligations of said Contract No. 2, except, however, that the contractor saved and reserved unto itself and in said assignment it was expressly provided that it was not intended to transfer "* * * any sum or sums of money now due from the City to the Contractor, and any claim or claims for any sum or sums of money which the Contractor may now have against the City, for the construction of the Railroad or any part thereof or any additions thereto, together with any sum or sums of money due or to become due from the City to the Contractor, and any claim or claims for any sum or sums of money which the Contractor may have against the City, for extra work heretofore ordered under the provisions of the contract."

Contract No. 2, among other things, provides:

"The Board shall have the right, during the progress of the work, to amplify the plans, to add explanatory specifications and furnish additional specifications and drawings within the limits of the general purview of the work. The Board shall also have the right for any part of the Railroad to require additional work to be done or additional materials to be furnished, or both, within the general purview of a rapid transit railroad as described in the copy of the Routes and General Plans hereto appended, or, within such general purview, to require work or materials herein specified or provided for to be omitted. If such additional work or materials shall be required, then the reasonable value thereof shall be additionally paid to the Contractor, * * *"

"The Contractor shall become entitled to additional payment for additional work or by reason of additional specifications, drawings, details or other requirements only upon the production of the certificate and determination of the Engineer if unappealed from, or, if so appealed from, then only upon and according to the final award of arbitrators, or arbitrator and umpire, as aforesaid, it being expressly agreed that the City shall make no additional payment to the Contractor except upon vouchers which include such certificate and determination unappealed from, or if appealed from, then such certificate and determination with such final award as a condition precedent to payment and that no payment shall be made in any such case inconsistently with such final award."

The actual prosecution of the work under Contract No. 2 was divided into four sections, known respectively as Subsection 1, 2, 2-A and 3. Subsection No. 2-A comprised the subaqueous tunnel under the East River connecting the Boroughs of Manhattan and Brooklyn and Subsection 3 comprised the section of the railroad in Brooklyn to its terminus at Atlantic Avenue.

The Board of Rapid Transit Railroad Commissioners for the City of New York is defined in Contract No. 2 as being that Board "and any other board, body, official

or officials, to which or to whom the powers now belonging to said Board shall, by virtue of any act or acts, hereafter pass or be held to appertain." The word "Engineer" is defined in Contract No. 2 to mean the Chief Engineer of the Board of Rapid Transit Railroad Commissioners "and any successor or successors duly appointed or any deputy or substitute for him who shall be appointed by the Board or by its authority."

The powers and duties of the Board of Rapid Transit Railroad Commissioners for the City of New York under the Rapid Transit Act and under Contract No. 2 have, pursuant to legislative direction, been successively transferred as follows: to the Public Service Commission for the First District of the State of New York, by Chapter 429 of the Laws of 1907 and Chapter 263 of the Laws of 1919; to the Transit Construction Commissioner by Chapter 520 of the Laws of 1919, and to the Transit Commission by Chapter 134 of the Laws of 1921.

The Chief Engineer of the Transit Commission, duly appointed by it, has qualified, acted and is now acting as such Chief Engineer and is therefore the successor of the "Engineer" referred to in Contract No. 2.

Under date of October 26, 1911 and October 2, 1912 the Counsel for the Contractor submitted claims including claims for payments for additional work and additional material performed by the Contractor under Contract No. 2 in connection with and as a part of the construction of Subsection 2-A and Subsection 3 of the Railroad. The claims for Subsection 2-A were divided and known as Claims A, B and C. The A and B claims on Subsection 2-A were the claims of the subcontractor, New York Tunnel Company. The total amount of the claims so filed were as follows: Section 2-A, A and B, \$3,408,120.18; C, \$167,042.37; Section 3, \$888,334.18.

One of the predecessors of the present Chief Engineer, of the Transit Commission, the Chief Engineer of the Public Service Commission for the First District, refused to make a determination as to said Claims A and B of Subsection 2-A. A writ of mandamus directing him to determine, pursuant to the provisions of said Contract No. 2, as to said A and B claims, was served on him November 25, 1913. Thereafter by successive appeals the Court of Appeals affirmed the order of Special Term.

Since then the matter has been held in abeyance upon the request of the Attorneys representing the contractor, pending the result of conferences which were had in an effort to reach a final adjustment of the claims without further proceeding. Such request has been withdrawn and the Chief Engineer, in accordance with the mandate of the Court, has made a determination under date of March 27, 1923 of the reasonable value of the additional work and additional materials included in said Claims A and B of said Subsection 2-A. He therein determines that such reasonable value is the sum of \$240,000. A copy of that determination, together with the said Claims A and B attached thereto, is transmitted herewith for the information of your Board. There then remained the so-called C Claims of Subsection 2-A and all the Claims of Subsection 3, as to which the Chief Engineer has also made his determination under date of April 11, 1923, wherein he finds that the reasonable value of the additional work and additional materials included in said Claims is of the value of \$60,000 for the said C claims under said Subsection 2-A and \$300,000 for the claims under Subsection 3. A copy of said determination, with the said "C" claims of Subsection 2-A and the Claims made under Subsection 3 attached thereto, is transmitted herewith for the information of your Board.

The Contractor has, by stipulation, with respect to each determination hereinbefore referred to, agreed that if the value of the claims, as determined by the Chief Engineer, is paid by the City without necessity of recourse to legal proceedings to enforce payment, it will concurrently with each such payment, in form to be satisfactory to the Comptroller of the City of New York, waive and release all the items or claims filed by the Contractor as aforesaid. A copy of each of such stipulations is transmitted herewith.

The Transit Commission, believing that the amount of said determinations will be a very advantageous settlement of these claims to the City, has agreed not to appeal to arbitration in accordance with the provisions of Contract No. 2.

Summarizing the determinations of the Chief Engineer herewith referred to, the amounts required to make payment of the determined amounts are as follows:

Subsection 2-A, A and B Claims.....	\$240,000
Subsection 2-A, C Claims.....	60,000
Subsection 3	300,000
Total	\$600,000

[April 18, 1923

The Transit Commission accordingly, pursuant to the provisions of the Rapid Transit Act and said Contract No. 2, hereby makes requisition upon your Honorable Board to appropriate and authorize the issuance of corporate stock of the City of New York to the extent of Six hundred thousand dollars (\$600,000), for the purpose of paying the determined amounts due the contractor thereunder for additional work and additional materials furnished and supplied in the performance of Extra Work on said Subsections 2-A and 3 under said Contract No. 2.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

505

Rapid Transit Railroads—Communication from Board of Estimate and Apportionment Submitting Copy of Letter from J. V. Welsford Relative to Patented System of Rapid Transit—Referred to Chief Engineer

The following communication from the Board of Estimate and Apportionment and enclosure referred to therein, were referred to the Chief Engineer:

CITY OF NEW YORK
BOARD OF ESTIMATE AND APPORTIONMENT
Office of the Secretary
Municipal Building
(Cal. No. 206)

April 13, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

I transmit herewith copy of a communication dated January 29, 1923, from J. V. Welsford, relative to a patented system of rapid transit evolved by the writer and two associate engineers.

At the meeting of the Board of Estimate and Apportionment on April 13, 1923, this matter was referred to the Transit Commission.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

506—R. T. 7601

Route No. 52, Section No. 1—Resolution Approving Form of Contract, Specifications, Invitation to Contractors and Revised Contract Drawings for Furnishing and Erecting Structural Steel—Adopted

The following resolution was adopted:

Whereas, The proposed contract for furnishing and erecting structural steel for a part of the rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, was finally adopted on November 28, 1922 and subsequent to advertisement duly made bids were received therefor on December 14, 1922, the Commission awarding said proposed contract, by resolution adopted December 15, 1922, to the lowest bid received, to wit, that of the Phoenix Bridge Company, subject to its being consented to in form and substance as required by law, and thereafter transmitted said proposed contract, together with a requisition for the money necessary to meet the obligations of the City thereunder, to the Board of Estimate and Apportionment; and

Whereas, By resolution adopted January 30, 1923 this Commission, upon the application of said Phoenix Bridge Company, rejected all bids so received and returned the checks deposited with said bid; and

Whereas, By resolution adopted March 13, 1923 this Commission directed the readvertisement of the Invitation to Contractors forming part of said proposed contract and by resolution adopted April 3, 1923, directed the discontinuance of the publication of said Invitation to Contractors because of a necessary modification in the contract drawings; and

Whereas, The said contract drawings have now been revised,

Resolved, That said proposed contract, bond and contractor's proposal, together with the Invitation to Contractors and Information for Contractors and specifications and revised contract drawings made part thereof, for furnishing and erecting structural steel for a part of the rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, be and the same hereby are approved and adopted and that said invitation to Contractors forming part of said proposed contract be published in the CITY RECORD every day of publication continuously from and including April 24, 1923 to and including May 8, 1923, and on April 24, 1923 and May 1, 1923 in THE MORNING TELEGRAPH and FLUSHING JOURNAL, daily newspapers published in the City of New York and that such bids as shall be received shall, on the 8th day of May, 1923, at eleven-thirty (11:30) o'clock A. M. or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission or its Secretary, at the office of the Transit Commission, and read.

507—R. T. 9525

Routes Nos. 5 and 20—Certificate by Chief Engineer of Completion of Contract for Completion of Construction and Station Finish at Broadway and Canal Street Stations—Report by Chief Engineer Recommending that Contractor be Required to Deposit \$1,000 Bond as Guarantee for Tile Work—Resolution Accepting Work and Directing that Certificate be Filed with Comptroller

The following certificate was approved:

April 12, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Completion of Construction and Station Finish, Routes Nos. 5 and 20, Broadway and Canal Street Stations.

In connection with the contract dated March 22, 1922, between the City of New York and Jacob Schlesinger, Inc., for completion of construction and station finish for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Routes Nos. 5 and 20, Broadway and Canal Street Stations, I hereby certify that the work was completed on December 19, 1922. The total cost of the work was \$23,152.09.

In accordance with the provisions of the contract the work should have been completed by September 23, 1922. The time for completion, however, was extended to December 19, 1922, by resolution of the Transit Commission adopted on January 3, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

A report was presented from the Chief Engineer dated April 12, 1923, recommending that the contractor be required to deposit a bond in the sum of \$1,000 as a guarantee against defective tile, mosaic and plastering work.

The following resolution was adopted:

Whereas, The contract dated March 22, 1922, between The City of New York, acting by the Transit Commission and Jacob Schlesinger, Inc. for the completion of construction and Station Finish for that part of the Broadway-Fourth Avenue Rapid Transit Railroad known as Routes Nos. 5 and 20, Broadway and Canal Street stations required the completion of all work thereunder on or before September 23, 1922, which time was extended to December 19, 1922 by resolution of the Transit Commission adopted on January 3, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated April 12, 1923, has reported that all the work required under said contract was in all respects completed on or before December 19, 1922; that the total amount due therefor was \$23,152.09, and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York provided, however, that the contractor shall have as a condition precedent thereto complied with the provisions of Article LXI of said

contract in respect to depositing a bond or other security in the sum of \$1,000 as a guaranty against defects in tile, mosaics and plastering,

Resolved, That said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York provided the contractor shall have complied as a condition precedent thereto with the said provisions of Article LXI of said contract.

508—R. T. 7525

Routes Nos. 5 and 20—Report by Chief Engineer Submitting Check in Sum of \$100.00 Deposited by Contractor as Security for Replacement of Defective Sign Plates under Contract for Completion of Construction and Station Finish at Broadway and Canal Street Stations—Resolution Accepting Security

A report was presented from the Chief Engineer dated April 12, 1923, as described below.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission by communication dated April 12, 1923 has reported and recommended as follows:

“In connection with the contract between the City and Jacob Schlesinger, Inc. for the completion of construction and station finish work at the Broadway and Canal Street Stations, Routes 5 & 20, it has been found necessary to replace two defective sign plates.

“The contractor has completed all work on this contract and rather than delay the forwarding of the final estimate, arrangements have been made to accept a certified check from the contractor amounting to \$100 as security for the replacement of these two defective signs.

“Recommendation: It is recommended, therefore, that the contractor's certified check of \$100 forwarded herewith, be held until such time as the defective sign plates have been replaced.”

Resolved, That said report and recommendation be and the same hereby is approved; that the said certified check in the sum of \$100 being check No. 7438N dated April 9, 1923 upon the Chatham and Phenix National Bank be and the same hereby is accepted as security for the faithful performance of all the obligations of said contractor under said contract with respect to said two sign plates and that upon satisfactory completion of such work and certification of the Chief Engineer of such completion the Secretary of this Commission be and hereby is authorized and directed to return said certified check to the said contractor and to take proper receipt therefor.

509—R. T. 7525

Routes Nos. 5 and 20—Resolution Approving Sureties upon Bond in Sum of \$1,000 Deposited by Contractor as Guarantee for Tile, Mosaic and Plastering Work under Contract for Completion of Construction and Station Finish at Broadway and Canal Street Stations—Adopted

The following resolution was adopted:

Resolved, That the Globe Indemnity Company and the Fidelity and Deposit Company of Maryland be and hereby are approved as sureties upon the bond in the sum of One thousand (\$1,000) dollars, deposited by Jacob Schlesinger, Inc. as guarantee for all tile, mosaic and plastering work for a period of three years after the date of the final completion and acceptance of the work under the contract for the completion of construction and station finish at the Broadway and Canal Street stations of Routes Nos. 5 and 20, each of said sureties being held and bound in the sum of Five hundred (\$500) dollars.

510—R. T. 7612

Agreement "CG"—Resolution Approving Surety upon Bond Deposited by Contractor for Concreting Voids under Platform of Eighth Street Station—Adopted

The following resolution was adopted:

Resolved, That the Maryland Casualty Company be and hereby is approved as surety upon the bond in the sum of Two hundred (\$200) Dollars deposited by Edwards & Flood, Inc., as security for the faithful performance of the contract for concreting voids under the platform of the Eighth Street station, Route No. 5, Section No. 4, Borough of Manhattan, Agreement "CG."

511—R. T. 6027

Brooklyn Loop Lines—Report by Chief Engineer Recommending Issuance of Purchasing Agent's Order for Covers for Pipe Gallery Manholes on Delancey Street—Approved

A report was presented from the Chief Engineer dated April 11, 1923, recommending that a purchasing agent's order be issued to the Flockhart Foundry Company for delivery of six covers for pipe gallery manholes on Delancey Street at a cost of \$16.00 each, the cost to be paid from the funds for the maintenance of pipe galleries for the Brooklyn Loop Lines.

Upon motion, duly seconded and adopted, the Chief Clerk was directed to issue an Order.

512—R. T. 7644

Route No. 8, Section No. 5—Report by Chief Engineer Recommending Authorization for Preparation of Plans and Contract for Construction of Crossover between Montrose Avenue and Grand Street—Approved

A report was presented from the Chief Engineer dated April 9, 1923, recommending that he be authorized to prepare the necessary plans and contract for the construction of a crossover between Montrose Avenue and Grand Street on Section No. 5 of Route No. 8, at an expense of \$60,000, so as to avoid operation of shuttle service past Graham Avenue station.

Upon motion, duly seconded and adopted, the recommendation was approved.

513—R. T. 7655

Contract No. 1—Application by General Science Class 1923, Cooper Union, for Approval of Addition of Words "Cooper Union" to Tablets at Astor Place Station—Report by Chief Engineer Recommending Approval—Motion Denying Application—Adopted

An application was presented from the General Science Class 1923, Cooper Union, by Adolph R. Schwartz, dated March 29, 1923, requesting the addition of the words "Cooper Union" to the tablets of the Astor Place Station of the Manhattan-Bronx Rapid Transit Railroad.

A report was presented from the Chief Engineer dated April 12, 1923, recommending that the application be granted providing no expense is borne by the City or operating company.

Upon motion, duly seconded and adopted, the application was denied.

514—R. T. 7654

Routes Nos. 19 & 22—Section No. 2—Resolution Approving Map and Memorandum and Directing Condemnation Proceedings for Acquisition of Part of Site for Terminal Storage Yard and Inspection Shed North of Westchester Avenue and East of Blondell Avenue, Borough of The Bronx

The following resolution was adopted:

Whereas, This Commission has caused three similar maps or plans to be made of certain property between Westchester and Blondell Avenues, Eastchester Road, Haswell Street and Waters Avenue, in the Borough of The Bronx, which is required for the construction, maintenance and operation of a terminal storage yard and inspection shed, for use in connection with the municipal rapid transit railroads described in and constructed or to be constructed and operated under the contract dated March 19, 1913, made by The City of New York, acting by the Public Service Commission for the First District, with Interborough Rapid Transit Company, known as Contract No. 3, which said map or plan is entitled "State of New York Transit Commission Engineering Department Westchester Yard Map or Plan Showing Property, to be Acquired between Westchester and Blondell Avenues, Eastchester Road, Haswell Street and Waters Avenue," dated March 16, 1923, signed by Robert Ridgway, Chief Engineer, and numbered File No. 2102-Y, Drg. No. 35, the said property which is so required being designated on said map or plan as Parcels Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15; and

Whereas, This Commission has also caused a memorandum to be made accompanying said map or plan and to be deemed part thereof, indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of such construction, maintenance and operation in relation to the property described upon said map or plan; and

Whereas, This Commission deems it necessary to acquire said property described in said memorandum and on said map or plan in fee simple absolute, free from all liens and encumbrances, for the purposes of constructing and operating such terminal storage yard and inspection shed for said rapid transit railroads, free of interference or right of interference;

Resolved, That the said map or plan and accompanying memorandum be, and hereby are, approved and adopted; that a certificate of such approval and adoption be written upon said map or plan and memorandum and signed by the members of this Commission adopting and approving the same, and that one copy of said map or plan and accompanying memorandum be filed in the office of the President of the Borough of The Bronx, there to remain as a public record; that two sets of the map or plan and accompanying memorandum be transmitted to the Corporation Counsel of The City of New York, together with a certified copy of this resolution, and that such Corporation Counsel be, and hereby is, directed to take legal proceedings to acquire for The City of New York the property described in said memorandum and on said map or plan; and it is

Further Resolved, That a copy of said map or plan and accompanying memorandum be filed in the office of this Commission.

The memorandum referred to above was as follows:

STATE OF NEW YORK
TRANSIT COMMISSION

MEMORANDUM

Indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished by The City of New York for the purposes of the Rapid Transit Act, being Chapter 4 of the Laws of 1891 as amended, in relation to each and every piece or parcel of property described upon the map or plan accompanying this memorandum and of which this memorandum is to be deemed part.

THE CITY OF NEW YORK IS TO ACQUIRE WHEREVER THE SAME HAS NOT BEEN HERETOFORE ACQUIRED BY THE CITY OF NEW YORK AN ESTATE IN FEE SIMPLE ABSOLUTE FREE FROM ALL LIENS AND ENCUMBRANCES, AND ANY AND ALL RIGHTS, TERMS, INTERESTS,

PRIVILEGES, FRANCHISES AND EASEMENTS, WHETHER OF OWNERS, ABUTTERS OR OTHERS, in and to all those certain lots, pieces or parcels of land, land under water and land under water filled in with the buildings and improvements thereon, together with any and all riparian rights and rights of wharfage, crannage and any and all other rights and emoluments by reason of any and all water grants or otherwise, pertaining thereto and in and to the bed of any street, road or avenue upon or proposed in front of or adjoining the said property, together with the easements pertinent thereto, shown upon the map or plan accompanying this memorandum and of which this memorandum is to be deemed part and designated thereon as Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 situate, lying and being in the Borough of The Bronx, in the County of Bronx, in the City and State of New York, and bounded and described as follows:

Parcel 1: Beginning at a point on the northwesterly side of Westchester Avenue distant three hundred five and thirty-four one-hundredths (305.34) feet northeasterly from a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence fifty-five degrees, thirty-four minutes and thirty seconds ($55^{\circ} 34' 30''$) east along the northwesterly side of Westchester Avenue two hundred ninety-six and twenty-eight one-hundredths (296.28) feet; thence north forty-four degrees, thirty-five minutes and forty-seven seconds ($44^{\circ} 35' 47''$) east thirty-four and one-tenth (34.1) feet; thence north forty-nine degrees, nineteen minutes and twenty-four and five-tenths seconds ($49^{\circ} 19' 24.5''$) east sixty-two and twenty-three one-hundredths (62.23) feet; thence north thirty-four degrees, twenty-five minutes and thirty seconds ($34^{\circ} 25' 30''$) west thirty-one and seventy-three one-hundredths (31.73) feet; thence north sixty-four degrees, fifty-five minutes and forty-seven seconds ($64^{\circ} 55' 47''$) west one hundred forty and sixteen one-hundredths (140.16) feet; thence south thirty-eight degrees, twenty minutes and no seconds ($38^{\circ} 20' 00''$) west two hundred forty-five and fifty-two one-hundredths (245.52) feet; thence south eight degrees, twenty minutes and no seconds ($8^{\circ} 20' 00''$) west one hundred twenty-six and sixty-four one-hundredths (126.64) feet to the point or place of beginning.

Parcel 2: Beginning at a point on the northwesterly side of Westchester Avenue distant six hundred forty and ninety-six one-hundredths (640.96) feet northeasterly from a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence north seventy-six degrees, thirty minutes and twenty-three seconds ($76^{\circ} 30' 23''$) west eight and seventy-five one-hundredths (8.75) feet; thence south forty-four degrees, thirty-five minutes and forty-seven seconds ($44^{\circ} 35' 47''$) west thirty-four and one-tenth (34.1) feet to the northwesterly side of Westchester Avenue; thence north fifty-five degrees, thirty-four minutes and thirty seconds ($55^{\circ} 34' 30''$) east along the northwesterly side of Westchester Avenue thirty-nine and thirty-four one-hundredths (39.34) feet to the point or place of beginning.

Parcel 3: Beginning at a point on the northwesterly side of Westchester Avenue distant six hundred forty and ninety-six one-hundredths (640.96) feet northeasterly from a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence north seventy-six degrees, thirty minutes and twenty-three seconds ($76^{\circ} 30' 23''$) west eight and seventy-five one-hundredths (8.75) feet; thence north forty-nine degrees, nineteen minutes, twenty-four and five-tenths seconds ($49^{\circ} 19' 24.5''$) east one hundred two and forty-seven one-hundredths (102.47) feet; thence south thirty-four degrees, twenty-five minutes and thirty seconds ($34^{\circ} 25' 30''$) east seventeen and sixty-five one-hundredths (17.65) feet to the northwesterly side of Westchester Avenue; thence south fifty-five degrees, thirty-four minutes and thirty seconds ($55^{\circ} 34' 30''$) west along the northwesterly side of Westchester Avenue ninety-five and ninety-nine one-hundredths (95.99) feet to the point or place of beginning.

Parcel 4: Beginning at a point on the northwesterly side of Westchester Avenue distant seven hundred thirty-six and ninety-five one-hundredths (736.95) feet northeasterly from a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence north fifty-five degrees, thirty-four minutes and thirty seconds ($55^{\circ} 34' 30''$) east forty (40) feet; thence north thirty-four degrees, twenty-five minutes and thirty seconds ($34^{\circ} 25' 30''$) west twenty-two and three one-hundredths (22.03) feet; thence south forty-nine degrees, nineteen minutes and twenty-four and five-tenths seconds ($49^{\circ} 19' 24.5''$) west forty and twenty-four one-hundredths (40.24) feet; thence south thirty-four degrees,

twenty-five minutes and thirty seconds ($34^{\circ} 25' 30''$) east seventeen and sixty-five one-hundredths (17.65) feet to the point or place of beginning.

Parcel 5: Beginning at a point distant thirteen and twenty-seven one-hundredths (13.27) feet northwesterly from a point on the northwesterly side of Westchester Avenue measured along a line perpendicular thereto, which point on Westchester Avenue is six hundred ninety-six and ninety-five one-hundredths (696.95) feet north fifty-five degrees, thirty-four minutes and thirty seconds ($55^{\circ} 34' 30''$) east from a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence north thirty-four degrees, twenty-five minutes and thirty seconds ($34^{\circ} 25' 30''$) west thirty-one and seventy-three one hundredths (31.73) feet; thence north eighty-four degrees, fifty-five minutes and fifty-eight seconds ($84^{\circ} 55' 58''$) east fifty-four and seventeen one-hundredths (54.17) feet; thence south forty-nine degrees, nineteen minutes and twenty-four and five-tenths seconds ($49^{\circ} 19' 24.5''$) west forty-seven and five-tenths (47.5) feet to the point or place of beginning.

Parcel 6: Beginning at a point distant one hundred fifty-five and six-tenths (155.6) feet northwesterly from a point on the northwesterly side of Westchester Avenue measured along a line perpendicular thereto, which point on Westchester Avenue is five hundred ninety-three and seven one-hundredths (593.07) feet north fifty-five degrees, thirty-four minutes and thirty seconds ($55^{\circ} 34' 30''$) east from a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence south thirty-eight degrees, twenty minutes and no seconds ($38^{\circ} 20' 00''$) west one hundred fifty-four and fifty-two one-hundredths (154.52) feet; thence north twenty-seven degrees, fifty-one minutes and ten seconds ($27^{\circ} 51' 10''$) west one hundred fifty-four and nineteen one-hundredths (154.19) feet to the southeasterly side of Grant Street; thence north twenty-four degrees, fifty-three minutes and twenty seconds ($24^{\circ} 53' 20''$) east along the southeasterly side of Grant Street thirty-four (34) feet; thence south seventy-three degrees, twenty minutes and thirty seconds ($73^{\circ} 20' 30''$) east one hundred sixty and twenty-nine one-hundredths (160.29) feet to the point or place of beginning.

Parcel 7: Beginning at a point distant one hundred fifty-five and six-tenths (155.6) feet northwesterly from a point on the northwesterly side of Westchester Avenue measured along a line perpendicular thereto, which point on Westchester Avenue is five hundred ninety-three and seven one-hundredths (593.07) feet north fifty-five degrees, thirty-four minutes and thirty seconds ($55^{\circ} 34' 30''$) east from a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence north thirty-eight degrees, twenty minutes and no seconds ($38^{\circ} 20' 00''$) east thirty-four and twenty-seven one-hundredths (34.27) feet; thence north forty-five degrees, fifty minutes and no seconds ($45^{\circ} 50' 00''$) east sixty-six (66) feet; thence north fifty-nine degrees, forty minutes and no seconds ($59^{\circ} 40' 00''$) west one hundred fifty-six and sixty-six one-hundredths (156.66) feet; thence south twenty-three degrees, six minutes and no seconds ($23^{\circ} 06' 00''$) west six and twenty-nine one-hundredths (6.29) feet; thence south twenty-nine degrees, three minutes and no seconds ($29^{\circ} 03' 00''$) west thirty and eighty-nine one-hundredths (30.89) feet; thence south fifty-six degrees, nineteen minutes and no seconds ($56^{\circ} 19' 00''$) west seven and twenty-one one-hundredths (7.21) feet; thence north eighty-three degrees, fourteen minutes and no seconds ($83^{\circ} 14' 00''$) west fifty-nine and forty-one one-hundredths (59.41) feet; thence south sixty-one degrees, fifty-six minutes and no seconds ($61^{\circ} 56' 00''$) west fifty-one (51) feet; thence north seventy-four degrees, twenty-six minutes and no seconds ($74^{\circ} 26' 00''$) west sixty-three and thirty-two one-hundredths (63.32) feet; thence south sixty-six degrees, fifteen minutes and no seconds ($66^{\circ} 15' 00''$) west twenty-seven and thirty-one one-hundredths (27.31) feet; thence south twenty-three degrees, twelve minutes and no seconds ($23^{\circ} 12' 00''$) west fifteen and twenty-three one-hundredths (15.23) feet; thence south twenty-one degrees, twenty-two minutes and no seconds ($21^{\circ} 22' 00''$) east five and fifty-nine one-hundredths (5.59) feet; thence south seventy-three degrees, twenty minutes and thirty seconds ($73^{\circ} 20' 30''$) east two hundred ninety-six and forty-nine one-hundredths (296.49) feet to the point or place of beginning.

Parcel 8: Beginning at a point distant three hundred eighty-one and forty-four one-hundredths (381.44) feet northwesterly from a point on the northwesterly side of Westchester Avenue measured along a line perpendicular thereto, which point on Westchester Avenue is six hundred ninety-six and ninety-five one-hundredths (696.95) feet north fifty-five degrees, thirty-four minutes and thirty seconds ($55^{\circ} 34' 30''$) east from

a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence north thirty-four degrees, twenty-five minutes and thirty seconds (34° 25' 30") west one hundred fifty-six and fifty-six one-hundredths (156.56) feet; thence south seventy degrees, twenty-four minutes and no seconds (70° 24' 00") west thirty-five and sixty-five one-hundredths (35.65) feet; thence south forty-three degrees, twenty-two minutes and no seconds (43° 22' 00") west twenty-four and seventy-six one-hundredths (24.76) feet; thence south three degrees, forty-nine minutes and no seconds (3° 49' 00") east fifteen and three one-hundredths (15.03) feet; thence south thirty-six degrees, fifty-two minutes and no seconds (36° 52' 00") east twenty-five (25) feet; thence south sixty-seven degrees, fifty-two minutes and thirty seconds (67° 52' 30") east ninety-eight and twenty-three one-hundredths (98.23) feet; thence south forty-three degrees, one minute and thirty seconds (43° 01' 30") east forty-one and three one-hundredths (41.03) feet; thence north fifty-five degrees, thirty-four minutes and thirty seconds (55° 34' 30") east four and ninety-seven one-hundredths (4.97) feet to the point or place of beginning.

Parcel 9: Beginning at a point distant fifteen hundred seventy-four and seventy-six one-hundredths (1574.76) feet northwesterly from a point on the northwesterly side of Westchester Avenue measured along a line perpendicular thereto, which point on Westchester Avenue is two hundred forty-two and five-tenths (242.5) feet from a point formed by the intersection of the northeasterly side of Blondell Avenue and the northwesterly side of Westchester Avenue, running thence south eighty-eight degrees, fifty-nine minutes and forty seconds (88° 59' 40") west sixty-four and eighty-eight one-hundredths (64.88) feet; thence north twenty-one degrees, forty-two minutes and thirty seconds (21° 42' 30") west one hundred eighty-three and eighty-two one-hundredths (183.82) feet; thence south eighty-seven degrees, three minutes and fifty seconds (87° 03' 50") east one hundred fifteen and three one-hundredths (115.03) feet; thence south six degrees, sixteen minutes and no seconds (6° 16' 00") east one hundred sixty-four and seventy-two one-hundredths (164.72) feet to the point of place of beginning.

Parcel 10: Beginning at a point on the easterly side of Eastchester Road distant one hundred thirteen and forty-one one-hundredths (113.41) feet northerly from a point formed by the intersection of the northeasterly side of Blondell Avenue and the easterly side of Eastchester Road, running thence north eighty-eight degrees, three minutes and thirty-eight seconds (88° 03' 38") east one hundred eight and sixty-four one-hundredths (108.64) feet; thence south two degrees, thirty-four minutes and forty-five seconds (2° 34' 45") each twenty-nine and seventy-three one-hundredths (29.73) feet; thence south eighty-seven degrees, fifty-six minutes and twenty-five seconds (87° 56' 25") west forty-three and seventeen one-hundredths (43.17) feet; thence south eighty-five degrees, five minutes and fifty seconds (85° 05' 50") west seventy-six (76) feet; thence north fourteen degrees, fifty-eight minutes and one second (14° 58' 01") east eight and twenty-two one-hundredths (8.22) feet to the easterly side of Eastchester Road; thence sixteen degrees, fifty-three minutes and twenty-four seconds (16° 53' 24") east along the easterly side of Eastchester Road two and fifty-nine one-hundredths (2.59) feet; thence north fourteen degrees, thirty-five minutes and twenty-seven seconds (14° 35' 27") east along the easterly side of Eastchester Road twenty-four and forty-two one-hundredths (24.42) feet to the point or place of beginning.

Parcel 11: Beginning at a point on the easterly side of Eastchester Road distant one hundred thirteen and forty-one one-hundredths (113.41) feet northerly from a point formed by the intersection of the northeasterly side of Blondell Avenue and the easterly side of Eastchester Road, running thence north fourteen degrees, thirty-five minutes and twenty-seven seconds (14° 35' 27") east along the easterly side of Eastchester Road one hundred fourteen and one-tenth (114.1) feet; thence south eighty-two degrees, sixteen minutes and forty seconds (82° 16' 40") east one hundred twenty-five and eighty-nine one-hundredths (125.89) feet; thence south five degrees, three minutes and twenty-six seconds (5° 03' 26") east one hundred eighteen and five one-hundredths (118.05) feet; thence south eighty-seven degrees, fifty-six minutes and twenty-five seconds (87° 56' 25") west fifty-four and two one-hundredths (54.02) feet; thence north two degrees, thirty-four minutes and forty-five seconds (2° 34' 45") west twenty-nine and seventy-three one-hundredths (29.73) feet; thence south eighty-eight degrees, three minutes and thirty-eight seconds (88° 03' 38") west one hundred eight and sixty-four one-hundredths (108.64) feet to the point or place of beginning.

Parcel 12: Beginning at a point on the easterly side of Eastchester Road distant two hundred twenty-seven and fifty-one one-hundredths (227.51) feet northerly from a point formed by the intersection of the northeasterly side of Blondell Avenue and the east-

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erly side of Eastchester Road, running thence south eighty-two degrees, sixteen minutes and forty seconds ($82^{\circ} 16' 40''$) east one hundred (100) feet; thence north fourteen degrees, forty-two minutes and twenty-two seconds ($14^{\circ} 42' 22''$) east forty-nine and four-tenths (49.4) feet; thence north eighty-one degrees, forty-five minutes and ten seconds ($81^{\circ} 45' 10''$) west one hundred (100) feet to the easterly side of Eastchester Road; thence south fourteen degrees, thirty-five minutes and twenty-seven seconds ($14^{\circ} 35' 27''$) west along the easterly side of Eastchester Road fifty and thirty-one one-hundredths (50.31) feet to the point or place of beginning.

Parcel 13: Beginning at a point distant one hundred (100) feet southeasterly from a point on the easterly side of Eastchester Road measured along a line running south eighty-two degrees, sixteen minutes and forty seconds ($82^{\circ} 16' 40''$) east, which point on Eastchester Road is two hundred twenty-seven and fifty-one one-hundredths (227.51) feet northerly from the point formed by the intersection of the northeasterly side of Blondell Avenue and the easterly side of Eastchester Road measured along the easterly side of Eastchester Road, running thence north fourteen degrees, forty-two minutes and twenty-two seconds ($14^{\circ} 42' 22''$) east forty-nine and four-tenths (49.4) feet; thence south eighty-one degrees, forty-five minutes and ten seconds ($81^{\circ} 45' 10''$) east eight and seventy-eight one-hundredths (8.78) feet; thence south five degrees, three minutes and twenty-six seconds ($5^{\circ} 03' 26''$) east fifty and two-tenths (50.2) feet; thence north eighty-two degrees, sixteen minutes and forty seconds ($82^{\circ} 16' 40''$) west twenty-five and eighty-nine one-hundredths (25.89) feet to the point or place of beginning.

Parcel 14: Beginning at a point on the easterly side of Eastchester Road two hundred seventy-seven and eighty-two one-hundredths (277.82) feet northerly from a point formed by the intersection of the northeasterly side of Blondell Avenue and the easterly side of Eastchester Road, running thence north fourteen degrees, thirty-five minutes and twenty-seven seconds ($14^{\circ} 35' 27''$) east along the easterly side of Eastchester Road thirty-eight and sixty-two one-hundredths (38.62) feet; thence north no degrees, thirteen minutes and thirty-five seconds ($0^{\circ} 13' 35''$) west along the easterly side of Eastchester Road twelve and seventy-three one-hundredths (12.73) feet; thence south eighty degrees, forty-two minutes and thirty seconds ($80^{\circ} 42' 30''$) east eighty-three and ninety-eight one-hundredths (83.98) feet; thence south eight degrees, fourteen minutes and fifty seconds ($8^{\circ} 14' 50''$) west thirty-five (35) feet; thence south eighty-one degrees, forty-five minutes and ten seconds ($81^{\circ} 45' 10''$) east nineteen (19) feet; thence south five degrees, three minutes and twenty-six seconds ($5^{\circ} 03' 26''$) east fourteen and eighty-five one-hundredths (14.85) feet; thence north eighty-one degrees, forty-five minutes and ten seconds ($81^{\circ} 45' 10''$) west one hundred eight and seventy-eight one-hundredths (108.78) feet to the point or place of beginning.

Parcel 15: Beginning at a point distant eighty-three and ninety-eight one-hundredths (83.98) feet southeasterly from a point on the easterly side of Eastchester Road measured along a line running south eighty degrees, forty-two minutes and thirty seconds ($80^{\circ} 42' 30''$) east, which point on Eastchester Road is three hundred twenty-nine and seventeen one-hundredths (329.17) feet northerly from the point formed by the intersection of the northeasterly side of Blondell Avenue and the easterly side of Eastchester Road measured along the easterly side of Eastchester Road, running thence south eight degrees, fourteen minutes and fifty seconds ($8^{\circ} 14' 50''$) west thirty-five (35) feet; thence south eighty-one degrees, forty-five minutes and ten seconds ($81^{\circ} 45' 10''$) east nineteen (19) feet; thence north five degrees, three minutes and twenty-six seconds ($5^{\circ} 03' 26''$) west thirty-five and seventy-six one-hundredths (35.76) feet; thence north eighty degrees, forty-two minutes and thirty seconds ($80^{\circ} 42' 30''$) west ten and seventy-seven one-hundredths (10.77) feet to the point or place of beginning.

The map or plan above mentioned accompanying this memorandum and of which this memorandum is to be deemed a part consists of one sheet having thereon a certificate of approval and adoption by the Transit Commission and bearing the seal of the Transit Commission and being entitled "State of New York Transit Commission Engineering Department Westchester Yard Map or Plan Showing Property to be Acquired between Eastchester and Blondell Avenues Eastchester Road, Haswell Street and Waters Avenue," dated March 16, 1923, signed by Robt. Ridgway, Chief Engineer, and numbered No. 2102 Y, Drg. No. 23.

The said estate in fee simple absolute in said parcels of property above described is required for the construction, maintenance and operation in perpetuity, free of interference or right of interference of a terminal, storage yard and inspection shed for use in connection with certain municipal rapid transit railroads which are described in the contract for the operation thereof dated March 19, 1913, between The City of New York acting

by the Public Service Commission for the First District and Interborough Rapid Transit Company, a corporation organized and existing under the laws of the State of New York, and known as Contract No. 3.

This certifies that this memorandum and the map or plan accompanying the same were approved and adopted by the Transit Commission this 18th day of April, 1923.

TRANSIT COMMISSION,

By GEORGE McANENY,
Chairman.

LEROY T. HARKNESS,
Commissioner.

JOHN F. O'RYAN,
Commissioner.

(L. S.)
JAMES B. WALKER,
Secretary

515—R. T. 6080

Route No. 12—Report by Real Estate Clerk Recommending Termination of Concession of Samuel Beilin to Occupy Premises at South Side of Eastern Parkway Near Buffalo Avenue, Borough of Brooklyn—Approval Resolution

A report was presented from the Real Estate Clerk dated April 10, 1923, recommending termination of the concession of Samuel Beilin for the premises on the south side of Eastern Parkway near Buffalo Avenue, Borough of Brooklyn, for use as a gasoline station.

The following resolution was adopted:

Whereas, Samuel Beilin by application dated June 22, 1922, approved by the Commission on June 27, 1922, effective July 15, 1922, has paid rental at the rate of \$25.00 per month for a concession for a gasoline selling station on the southerly side of Eastern Parkway, 30 feet east of Buffalo Avenue, Borough of Brooklyn, for the period July 15, 1922 to February 15, 1923; and

Whereas, The Board of Standards and Appeals has refused to permit the said Samuel Beilin to occupy the premises for the purpose for which he got the concession and he has therefore not paid rental since February 15, 1923; and

Whereas, The Real Estate Clerk has recommended under date of April 10, 1923, that the said concession of Samuel Beilin be terminated as of February 15, 1923, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, terminate the said concession of Samuel Beilin as of February 15, 1923.

516—R. T. 6960, 7235, 7354

Contract No. 3—Stipulation with Interborough Rapid Transit Company Extending Time to May 14, 1923, within Which to Agree upon Successor to Hon. Luke D. Stapleton as Third Arbitrator in Proceedings with Respect to Operating Expenses and Classification and Amount of Depreciation—Approved

A stipulation was approved with the Interborough Rapid Transit Company dated March 13, 1923, extending to May 14, 1923 the time of the Commission and the Interborough Rapid Transit Company to agree upon the successor to the late Luke D. Stapleton, as the third arbitrator in the two pending arbitrations, the first having to do with objections dated November 24, 1920 and January 28, 1921, of the former Transit Construction Commissioner with respect to certain operating expenses and the second having to do with the classification and amount of depreciation and excess maintenance deductible under Contract No. 3 and the Extension Certificate to June 30, 1920.

517—R. T. 6694

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Installation of Additional Signal on Northbound Express Track at Grand Central Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs Classifying Work and Assigning Work Order No. IBA-12—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated March 28, 1923, requesting approval of the installation of an additional signal on the northbound express track at Grand Central Station at an estimated cost of \$2,050.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated April 12, 1923, recommending that the application be approved subject to the approval by the Chief Engineer, as to the location and type of signal to be installed.

A report was presented from the Auditor of Rapid Transit Costs classifying the work as Additional Equipment and assigning Work Order No. IBA-12.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, and particularly Articles LXX and LXXI thereof, Interborough Rapid Transit Company has, by communication dated March 28, 1923, requested the approval of this Commission to the installation of an additional signal on the northbound express track at the Grand Central Station of the Railroad described in said Contract No. 3, at an estimated cost of \$2,050; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated April 12, 1923, reported that the proposed additional signal will allow a closer headway between northbound express trains entering said station, thus increasing the number of trains that can be passed through said station; that the heavy traffic at said point justifies the expenditure; that the estimated cost is reasonable, and recommend the approval of the said proposal, subject to the condition that the location and type of such additional equipment shall receive the approval of the Chief Engineer of this Commission before its installation; and

Whereas, The Auditor of Rapid Transit Costs, by communication dated April 16, 1923, has recommended that such proposed work be classified as Additional Equipment of the Railroad and that Work Order No. IBA-12 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the installation of said additional signal be and the same hereby is approved, such work to be classified as Additional Equipment of the Railroad and as to which this Commission assigns Work Order No. IBA-12, such approval being conditional upon the approval of the Chief Engineer of this Commission to the location and type of such signal prior to its installation.

518—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for Three Rotary Converters and Transformers for Substation No. 27—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated March 26, 1923, requesting approval of a proposed contract with the General Electric

Company for the manufacture and delivery and installation of three 2000 K.W. rotary converters and transformers and switchboard panels for Substation No. 27, at a cost of \$87,750.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated April 7, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has, by communication dated March 26, 1923, requested the approval of this Commission of a proposed contract dated February 28, 1923, between said Interborough Rapid Transit Company and General Electric Company for the manufacture and delivery and installation complete of three 2000 K.W. rotary converters with their transformers and switchboard panels for Substation No. 27 of the Railroad described in said Contract No. 3 as a part of Equipment of the Railroad as defined in said Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated April 7, 1923, reported that the following bids were received for such work:

General Electric Co.—\$87,750.00—Shipment 6 months from receipt of order.

Westinghouse Electric and Manufacturing Co.—\$89,945—Shipment 7½ months from receipt of order.

; that said companies are practically the only ones producing such apparatus in this country suitable for use in the rapid transit lines of this City; that the award is to the lowest of said bidders; that the price is reasonable; that the three machines are necessary to adequately supply the necessary power for the operation of the Railroad and recommend the approval of said proposed contract; and

Whereas, The Auditor of Rapid Transit Costs, by indorsement dated April 12, 1923, has recommended the classification of such work as an Equipment of the Railroad; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed contract so submitted be and the same hereby is approved and that said Interborough Rapid Transit Company be and hereby is authorized to enter into said contract hereby approved.

519—R. T. 7007

Contract No. 3—Applications by Interborough Rapid Transit Company for Approval of Two Proposed Purchasing Agent's Orders for Material to be Used in Connection with Equipping 982 Low Voltage Cars with Multiple Unit Door Control Apparatus—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolutions

Applications were presented from the Interborough Rapid Transit Company dated March 9, 1923, requesting approval of two proposed purchasing agent's orders, one directed to the P. H. Gill & Sons Forge & Machine Works and the other to the Columbia Machine Works and Malleable Iron Company for material to be used in connection with equipping 982 low voltage cars with multiple unit door control apparatus at a total cost of \$56,934.20.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated April 7, 1923, recommending that the applications be approved.

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following resolutions were adopted:

Whereas, By order adopted on the 15th day of December, 1920, the Transit Commission in pursuance of his finding aforesaid and of the provisions of the contract dated December 30, 1911, modifying the contract dated February 21, 1911, known as Contract No. 1 for the construction and operation of the Manhattan Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement dated December 30, 1911, and by orders adopted co-incidentally therewith modified by order of April 23, 1920, aforesaid and approved a certain stipulation between the Transit Commission and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for the issue of a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922, for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device and the installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923, the Transit Commission approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922, as modified by communication dated January 17, 1923, for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated March 9, 1923, directed to P. H. Gill and Sons Forge and Machine Company following:

54 Boxes, emergency door opening inside handle, with glass shown on B/P 9854-A and assembled complete as per B/P 9844-C.	
Price: \$1.15 each	\$2,258.60
100 Brackets, interlock box, Det. 2, B/P 9995-A.	
Price: \$0.09 each	360.00
100 Sheaves, roof, detail 2, assembled complete with bracket, Det. 5, and pin, Det. 10 on B/P 9831-E.	
Price: \$0.90 each	1,800.00
100 Guards, door post sheave, Det. 3, B/P 9831-E.	
Price: \$0.14 each	280.00
100 Supports, bottom handle guide, Det. 8, B/P 9831-E.	
Price: \$0.09 each	360.00
100 Lifts, door arm, Det. 1, assembled with catch, Det. 2, on B/P 9832-E.	
Price: \$2.30 each	4,600.00
100 Trippers, Det. 3, B/P 9832-E.	
Price: \$1.15 each	2,300.00
100 Brackets, tripper, Det. 4, B/P 9832-E.	
Price: \$0.18 each	360.00
100 Guides, door arm lift, Det. 6, B/P 9832-E.	
Price: \$0.02 each	80.00
100 Dogs, tripper, Det. 9, B/P 9832-E.	
Price: \$1.40 each	2,800.00
100 Plates, door arm guide lift backing, Det. 11, B/P 9832-E.	
Price: \$0.02 each	80.00
100 Plates, advertising rack filler, Det. 13, B/P 9832-E.	
Price: \$0.02 each	40.00
Total	\$15,318.60

Proposed purchasing agent's order has been caused to be designated as "Approval and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer have, by communication dated April 7, 1923, reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920 the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920 for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with said approval Interborough Rapid Transit Company has submitted for approval of this Commission proposed purchasing agent's order dated March 9, 1923, directed to Columbia Machine Works and Malleable Iron Company for the following:

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1	1,964 Boxes, emergency door opening contact, details as shown on B/Ps 9954-C and 9955-C and to be assembled complete as per B/P 9849-D. Price: \$10.00 each.....	\$19,640.00
2	1,964 Boxes, emergency door opening interlock, details as shown on B/Ps 9995-A and 9996-B and to be assembled complete as per B/P 9994-B. Price: \$7.00 each.....	13,748.00
3	1,964 Boxes, emergency door opening outside handle, complete, B/P 9843-B. Price: \$0.90 each.....	1,767.60
4	2,000 Mouldings, cable, B/P 9818-C. Price: \$2.00 each.....	4,000.00
5	2,000 Handles, inside operating, Det. 9, B/P 9831-E. Price: \$0.55 each.....	1,100.00
6	2,000 Handles, outside operating, Det. 15, assembled, with pull hook, Det. 14, on B/P 9831-E. Price: \$.68 each.....	1,360.00
	Total	\$41,615.60

which proposed purchasing agent's order has been caused to be designated as "Approval No. 464"; and

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Whereas, The Engineer of Equipment and Operation and the Chief Engineer by communication dated April 7, 1923 reported that such material is necessary and price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved, and that the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made in accordance with said proposed purchasing agent's order.

520—R. T. 7007

Subject No. 3—Applications by Interborough Rapid Transit Company for Approval of Two Proposed Purchasing Agent's Orders for Material to be Used in Connection with Equipping 396 High Voltage Subway Cars with Multiple Unit Door Control Apparatus—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolutions

Applications were presented from the Interborough Rapid Transit Company dated April 7, 1923, requesting approval of two proposed purchasing agent's orders, one directed to the P. H. Gill and Son Forge and Machine Works and the other to the Columbia Machine Works and Malleable Iron Company for material to be used in connection with equipping 396 high voltage subway cars with multiple unit door control apparatus at a total cost of \$22,417.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated April 7, 1923, recommending that the applications be approved.

The following resolutions were adopted:

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 1, to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined, the proper classification of such work to be additions to Existing Equipment and to which work this Commission assigned Work Order No. 1CqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated March 7th, 1923 directed to P. H. Gill and Son Forge and Machine Works, as follows:

772 Boxes, emergency door opening inside handle with glass shown on B/P 9854-A and assembled complete as per B/P 9844-C.	
Price: \$1.15 each.....	\$887.80
1,580 Brackets, interlock, box, Det. 2, B/P 9995-A.	
Price: \$0.09 each.....	142.20
790 Sheaves, roof, Det. 2, assembled complete with bracket, Det. 5, and pin, Det. 10 on B/P 9831-E.	
Price: \$0.90 each.....	711.00
790 Guards, door post sheave, Det. 3, B/P 9831-E.	
Price: \$0.14 each.....	110.60
1,580 Supports, bottom handle guide, Det. 5, B/P 9831-E.	
Price: \$0.09 each.....	142.20
790 Lifts, door arm, Det. 1, assembled with catch, Det. 2, on B/P 9832-E.	
Price: \$2.30 each.....	1,817.00
790 Trippers, Det. 3, B/P 9832-E.	
Price: \$1.15 each.....	908.50
790 Brackets, tripper, Det. 4, B/P 9832-E.	
Price: \$0.18 each.....	142.20

Item No.

9	1,580 Guides, door arm lift, Det. 6, B/P 9832-E. Price: \$0.02 each.....	31.60
10	790 Dogs, tripper, Det. 9, B/P 9832-E. Price: \$1.40 each.....	1,106.00
11	1,580 Plates, door arm guide, lift backing, Det. 11, B/P 9832-E. Price: \$0.02 each.....	31.60
12	790 Plates, advertising rack filler, Det. 13, B/P 9832-E. Price: \$0.02 each.....	15.80
	Total	<u>\$6,046.50</u>

which purchasing agent's order has been caused to be designated as "Approval No. 461"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported the following bids were received for the performance of such work:

P. H. Gill & Sons Forge and Machine Works.....	\$6,046.50
*Traction Supply & Equipment Co.....	1,678.75
R. Steel & Sons.....	9,728.20
Columbia Machine Works & Malleable Iron Co.....	10,629.00
National Pneumatic Company.....	14,606.80
Ellcon Company.....	Did not bid

that the material is necessary and the price is reasonable being the best obtainable for the material to be supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated April 12, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Whereas, This Commission, by resolution adopted on December 19, 1922, approved the proposal of Interborough Rapid Transit Company, pursuant to the provisions of Articles LXX and LXXI of the contract dated March 19, 1913, known as Contract No. 3 to install as an Addition a multiple door control on 396 additional subway high voltage cars as therein more particularly indicated and determined, the proper classification of such work to be additions to Existing Equipment and to which work this Commission assigned Work Order No. ICqA-1; and

Whereas, Interborough Rapid Transit Company has requested the approval of this Commission to the issuance of a purchasing agent's order dated March 7, 1923, directed to Columbia Machine Works & Malleable Iron Co., as follows:

Item No.

1	772 Boxes, emergency door opening contact, details as shown on B/Ps 9954-C and 9955-C and to be assembled complete as per B/P 9849-D. Price: \$10.00 each.....	\$7,720.00
2	772 Boxes, emergency door opening interlock, details as shown on B/Ps 9995-A and 9996-B and to be assembled complete as per B/P 9994-B. Price: \$7.00 each	5,404.00
3	772 Boxes, emergency door opening outside handle complete, as per B/P 9843-E. Price: .90 each.....	694.80
4	790 Mouldings, cable, B/P 9818-C. Price: 2.00 each.....	1,580.00
5	790 Handles, inside operating, Det. 9, B/P 9831-E. Price: .55 each.....	434.50

*Not a complete bid.

Item No.		
6	790 Handles, outside operating, Det. 15, assembled, with pull hook, Det. 14, on B/P 9831-E.	
	Price: .68 each.....	537.20
	Total	\$16,370.50

which purchasing agent's order has been caused to be designated as "Approval No. 462"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported the following bids were received for the performance of such work:

Columbia Machine Works and Malleable Iron Co.....	\$16,370.50
*Traction Supply & Equipment Co.	1,666.50
*National Pneumatic Company.....	15,544.20
P. H. Gill & Sons Forge and Machine Works.....	18,555.10
*R. Steel & Sons	21,875.50
Ellcon Company	Did not bid

that the material is necessary and the price is reasonable being the best obtainable for the material to be supplied and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated April 12, 1923 has recommended the approval of said proposed purchasing agent's order as being in accordance with the approval of this Commission as set forth in its resolution of December 19, 1922 aforesaid,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and the same hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

521—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Orders for Material to be Installed on 100 New Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated March 5, 1923, requesting approval of a proposed purchasing agent's order directed to the Columbia Machine Works and Malleable Iron Works for boxes, moldings and handles to be installed on 100 new steel trailer cars, at a cost of \$4,226.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer dated April 5, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving "Interborough Equipment Trust Series 'A'" in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition dated June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 steel trailer cars, subject to the terms and conditions set forth in said order so adopted on July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, this Commission, in its resolution adopted on August 8, 1922, assigned to the unit of purchasing and installing said 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the said proposed contract approved by said resolution of August 8, 1922 Inter-

*Not a complete bid.

borough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated March 5, 1923, directed to Columbia Machine Works & Malleable Iron Works for the manufacture and delivery of the following:

Item No.		
1	200 Boxes, emergency door opening contact, details as shown on B/Ps 9954-C and 9955-C and to be assembled complete as per B/P 9849-D.	
	Price: \$10.00 each.....	\$2,000.00
2	200 Boxes, emergency door opening interlock, details as shown on B/Ps 9995-A and 9996-B and to be assembled complete as per B/P 9994-B.	
	Price: \$7.00 each	1,400.00
3	200 Boxes, emergency door opening outside handle complete, B/P 9843-B.	
	Price: .90 each.....	180.00
4	200 Mouldings, cable, B/P 9818-C.	
	Price: \$2.00 each	400.00
5	200 Handles, inside operating, Det. 9, B/P 9831-E.	
	Price: .55 each.....	110.00
6	200 Handles, outside operating, Det. 15, assembled with pull hook, Det. 14, on B/P 9831-E.	
	Price: .58 each.....	136.00
	Total	\$4,226.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 458"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated April 5, 1923, reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

Columbia Machine Works and Malleable Iron Co.	\$4,226.00
*Traction Supply & Equipment Co.	426.00
*National Pneumatic Company	4,020.00
*P. H. Gill and Sons	4,790.00
*R. Steel and Sons	5,660.00
Elleon Company	No bid

and recommend that said proposed purchasing agent's order be approved,

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

522—R. T. 6668

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Cable for 14th Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated March 22, 1923, requesting approval of a proposed purchasing agent's order directed to the National Conduit and Cable Company for furnishing and installing cable in the 14th Street-Eastern Line, at a cost of \$309,997.09.

*Not a complete bid.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer, recommending that the application be approved, which report was endorsed by Auditor of Rapid Transit Costs, recommending that the work be classified as Equipment.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between the City of New York, acting by the Public Service Commission for the First District, and the New York Municipal Railway Corporation, known as Contract No. 4, Lindley Garrison, as Receiver of said New York Municipal Railway Corporation, has submitted for the approval of this Commission by communication dated March 22, 1923, proposed Purchasing Agent's Order dated March 22, 1923, directed to National Conduit and Cable Company, Inc. and its Receiver for furnishing and installing various cable on the 14th Street-Eastern Line of the Railroad as described in said Contract No. 4, which proposed Purchasing Agent's Order has been caused to be designated as "Approval No. 345," the quality and character of work being more particularly set forth in said proposed Purchasing Agent's Order and the specifications forming part thereof; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated April 7, 1923, reported that the following bids were taken for such work:

National Conduit and Cable Co.....	\$309,997.09
Standard Underground Cable Co.....	333,294.99
Safety Insulated Wire and Cable Co.....	354,586.85
J. A. Roebling's Sons Co.....	Could not quote
B. T. and J. J. Mack.....	Could not quote
Seymour Construction Co.....	Could not quote
James Sugden Co.....	Could not quote
General Electric Co.....	Could not quote
American Steel and Wire Co.....	Could not quote

; that the cable to be installed is for the purpose of supplying motive power, lighting and telephonic connection for the operation of said line; that the price is the lowest obtainable and the said Company and its Receiver are competent to supply the work required and recommend that the said proposed Purchasing Agent's Order so submitted be approved, provided, that the approval thereof shall not be deemed the approval of this Commission to the general scheme of power supply for said Line; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated April 12, 1923, has recommended that the work be classified as Equipment of the Railroad,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed Purchasing Agent's Order so submitted be and the same hereby is approved, the cost thereof to be charged to Equipment of the Railroad and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed Purchasing Agent's Order, it being distinctly understood that the approval of said proposed Purchasing Agent's Order is not an approval of this Commission to the general scheme of power supply for the said Line of the Railroad as described in said Contract No. 4.

523—R. T. 6668

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Construction of Duct Line from South Sixth Street Substation to 14th Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated March 30, 1923, requesting approval of a proposed purchasing agent's order directed to G. M. Gest for the construction of a duct line from the South Sixth Street substation to the 14th Street-Eastern Line at north Seventh Street, at a cost of \$56,833.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, recommending that the application be approved, which report was

endorsed by the Auditor of Rapid Transit Costs, recommending that the work be classified as Equipment.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation, by communication dated March 30, 1923, has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated March 29, 1923 directed to G. M. Gest for the following:

Supply all labor and material required to construct a twenty-five duct line, Dwg. A-2116, from South 6th St. Sub-station, via So. 6th Street and Bedford Avenue, to the 14th Street Eastern Line, at North 7th Street, in accordance with specifications dated March 15, 1923

Bond of \$50,000 required.

Time of Completion—6 months from date of order.

Payment to be made in accordance with attached Schedule of Prices

together with the unit prices thereto attached and the plans and specifications made part thereof, which proposed purchasing agent's order has been caused to be designated as "Approval No. 344"; and

G. M. Gest.....	\$56,833.00
McElroy and Kerwin.....	62,320.55
Edwards and Flood.....	65,294.75
B. T. and J. J. Mack.....	67,247.50
N. W. Ryan.....	87,413.25
Thos. Crimmins Contracting Co.....	88,158.00
Carter Contracting Co., Inc.....	115,345.25

that the award is to the lowest bidder who is competent to perform the work; that the proposed duct line is to consist of 25 ducts and will extend from South 6th St. Sub-station near Wythe Avenue to the 14th Street-Eastern Line at Bedford Avenue; that the drawings and specifications are satisfactory; that the quantity and material is not unreasonable; that the prices quoted are reasonable and the best obtainable and recommend the approval of said proposed purchasing agent's order; and

Whereas, By indorsement dated April 13, 1923, the Auditor of Rapid Transit Costs has recommended that such work be classified as "Equipment of the Railroad."

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

524—R. T. 6481

Contract No. 4—Application by New York Consolidated Railroad Company for Approval of Price for Brake Shoes for Second Quarter of Year 1923—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Consolidated Railroad Company dated April 3, 1923, requesting approval of the price of \$65 per net ton F.O.B., Mahwah, New Jersey, to be paid in the second quarter of the year 1923 for furnishing brake shoes under the contract with the American Brake Shoe and Foundry Company for car brake shoes.

A report was presented from the Engineer of Equipment and Operation and the

Chief Engineer dated April 7, 1923, stating that the price is reasonable and recommending that the application be approved.

The following resolution was adopted:

Whereas, This Commission, by resolution adopted on November 9, 1921, as amended by resolution adopted on November 22, 1921, pursuant to the provisions of the contract dated March 19, 1913 between the City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation consented to a proposed contract to be entered into between the Receiver of New York Consolidated Railroad Company (assignee of New York Municipal Railway Corporation of the maintenance and operating provisions of said Contract No. 4) with American Brake Shoe and Foundry Company for the purchase of car brake shoes in connection with the operation of the Railroad and Existing Railroads under said Contract No. 4, "the price of said shoes varying," provision being made in said proposed contract for revising the prices on the first day of January, April, July and October, the revised price to prevail for the succeeding three months, which resolution further provides that each new price fixed in accordance with the provisions of said proposed contract shall be submitted to this Commission for approval; and

Whereas, By communication dated April 3, 1923, the Receiver of New York Consolidated Railroad Company has requested the approval of this Commission to a price of \$65.00 per net ton, F.O.B., Mahwah, N. J., to be paid in the second quarter of the year 1923; and

Whereas, By communication dated April 7, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the said price of \$65.00 per ton for the second quarter of the year 1923 is reasonable in view of present material and labor costs and recommend that the said request be approved,

Resolved, That the fixation of the price of \$65.00 per net ton, F.O.B. Mahwah, N. J., as of April 1, 1923, for the supply of car brake shoes under said contract with American Brake Shoe and Foundry Company approved as aforesaid, to prevail during the second quarter of the year 1923 be and the same hereby is approved.

525—R. T. 7605

Routes Nos. 35 & 67—Report by Chief Engineer Submitting Schemes for Cross Passageway under Roadway at Fifth Avenue Station—Motion Disapproving Passageway and Authorizing Elimination of Stairway on North Side of 42nd Street Nearest Fifth Avenue—Motion Adopted

A report was presented from the Chief Engineer dated April 3, 1923, submitting alternative schemes for a cross passageway under the roadway to the northeast corner of 42nd Street and Sixth Avenue at the Fifth Avenue Station of the Queensboro Subway Extension, Routes Nos. 35 & 67, at estimated costs of \$92,000 and \$79,000.

Upon motion by Commissioner Harkness, which was duly seconded and adopted, it was directed that the passageway be disapproved and that the stairway on the north side of 42nd Street nearest Fifth Avenue be eliminated.

526—Case 2683

The Concourse Bus Line, Inc.—Application for Permission and Approval of Operation under Franchise Contract and for Certificate of Convenience and Necessity for Operation of Bus Lines in the Boroughs of Manhattan and The Bronx—Hearing Order with Notice Adopted

The Secretary presented a petition, dated April 14, 1923, of The Concourse Bus Line, Inc., by Emil Leindorf, President, asking for a certificate of public convenience

and necessity for the operation of stage or omnibus routes over the following described routes :

“110th Street and Mosholu Parkway Line.

Terminals: 110th Street and Fifth Avenue, Grand Boulevard and Concourse and Mosholu Parkway.

Route—Northbound—Fifth Avenue, 120th Street, Mount Morris Park West, 124th Street, Fifth Avenue, 136th Street (Manhattan), Madison Avenue Bridge, 138th Street (Bronx), Mott Avenue, Grand Boulevard and Concourse.

Southbound—Grand Boulevard and Concourse, Mott Avenue, 138th Street (Bronx), Madison Avenue Bridge, Fifth Avenue, 124th Street, Mount Morris Park West, 120th Street, Fifth Avenue.

“The Hub” Line.

Terminals—150th Street and Melrose Avenue, Grand Boulevard and Concourse and Mosholu Parkway.

Route—Northbound—Melrose Avenue, 151st Street, Courtlandt Avenue, 153rd Street, Mott Avenue, Grand Boulevard and Concourse.

Southbound—Grand Boulevard and Concourse, Mott Avenue, 153rd Street, Courtlandt Avenue, 150th Street.”

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2683, directing a hearing on May 2, 1923 at 2:30 P. M., with respect to said application and requiring publication of notice thereof.

527—R. T. 7570

Route No. 5, Section No. 15—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Agreement for Changes in Lavatories at 138th Street and Third Avenue and 149th Street and Mott Avenue Stations—Communication from Acting Corporation Counsel Returning Agreement Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on April 6, 1923, was ordered filed :

(Cal. No. 54)

Resolved, That the Board of Estimate and Apportionment, pursuant to its resolution of July 19, 1922, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby approve of and consent to a proposed agreement with the Interborough Rapid Transit Company, as lessee, as “addition to construction” under Contract No. 3, for the performance of the work of constructing changes in the lavatories at the 138th street and 3d avenue and 149th street and Mott avenue stations of Lexington Avenue Branch of Seventh Avenue-Lexington Avenue Rapid Transit Railroad, as submitted by the Transit Commission to this Board under date of January 30, 1923.

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 6, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated April 12, 1923 from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned agreement, approved as to form, was also ordered filed.

528—R. T. 7653

Routes Nos. 4 and 36, Section No. 2—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Issue of Tax Notes in Sum of \$1,000 for Changes in Subway Structure at Northeast Corner of Broadway and West 32nd Street Due to Widening of West 32nd Street—Filed

The following certified copy of resolution adopted by the Board of Estimate and Apportionment on April 6, 1923, was ordered filed :

(Cal. No. 322)

Resolved, By the Board of Estimate and Apportionment, that, pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding one thousand dollars (\$1,000), which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which to the amount of the par value thereof to be used for the changes in the subway structure incidental to the widening of West 32d street at the northeast corner of Broadway, Manhattan, under the jurisdiction of the President, Borough of Manhattan; said work to be performed under the supervision of the Transit Commission, and said appropriation to be disbursed upon vouchers, prepared by the Transit Commission and certified by the Borough President.

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 6, 1923.

JAMES MATTHEWS,
Assistant Secretary.

529—R. T. 7612

Agreement "CG"—Statement as to Execution and Delivery of Original Contract for Concreting Voids under Platform of Eighth Street Station, Broadway-Fourth Avenue Line—Contract Filed

The Commission ordered filed an original contract dated April 2, 1923, between The City of New York, acting by this Commission, and Edwards & Flood, Inc., for concreting voids under the platform of the Eighth Street Station of the Broadway-Fourth Avenue Line, Agreement "CG", which contract had been executed on behalf of both parties and delivered on April 12, 1923.

530—R. T. 7419

Contracts Nos. 3 and 4—Notice by Chief Engineer of Commencement of Work for Completion of Built-in Newsstand Enclosures—Filed

A notice was ordered filed from the Chief Engineer dated April 11, 1923, advising of the commencement of work by Fox-Reynolds Company, Inc. on March 27, 1923, for the completion of built-in newsstand enclosures at stations of municipal rapid transit railroads.

531—R. T. 6616

Contract No. 2—Communication from Chief Engineer Transmitting Determination of Claims for Additional Work and Additional Materials on Subsection No. 3 and Additional Work and Additional Materials Shown by "C" Claims on Subsection No. 2-A—Filed

The following report from the Chief Engineer was ordered filed:

April 12, 1923.

To the TRANSIT COMMISSION

Contract No. 2, Determination of Claims for Additional Work and Additional Materials on Subsection 3, and Additional Work and Additional Materials shown by "C" Claims on Subsection 2-A.

Pursuant to the provisions of the contract dated July 21, 1902 between The City of New York acting by the Board of Rapid Transit Railroad Commissioners for The City of New York and Rapid Transit Subway Construction Company for the construction and operation of the Brooklyn-Manhattan Rapid Transit Railroad, known as Contract No. 2 and complying with the request contained in a letter from Rapid Transit Subway Construction Company to the Commission dated March 23, 1923, I made my determination in writing and in duplicate of the reasonable value of additional work done and additional materials furnished by the Contractor, the Rapid Transit Subway Construction Company, for that portion of the Railroad known as Subsection 2-A detailed and set forth in the "C" Claims as presented by the said Contractor

October 2, 1912 and for claims for additional work and materials on Subsection 3 as submitted on October 26, 1911 limiting my determination to additional work and additional material within the general purview of the rapid transit railroad as described in the routes and general plan in said Contract No. 2.

One duplicate of said determination is filed with your Commission as successor to the "Board" referred to in Contract No. 2.

ROBERT RIDGWAY,
Chief Engineer.

532

Jay Street Connecting Railroad—Resolution of Board of Estimate Granting Permission to Continue Use of Sidetrack on Plymouth Street—Filed

The Secretary presented a communication, dated April 13, 1923, from James Matthews, Assistant Secretary of the Board of Estimate and Apportionment, transmitting certified copy of resolution adopted by the Board on January 12, 1923, and approved by the Mayor on January 26, 1923, granting the Jay Street Connecting Railroad permission to continue to maintain and use an existing sidetrack on the north side of Plymouth Street, west of Washington Street, Brooklyn, N. Y., and further advising that the railroad company had accepted the consent as therein provided.

Thereupon, the above-mentioned papers were ordered filed.

533—R. T. 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Submitting Copy of Contract for Construction of Chimney at 59th Street Power House—Filed

The Commission ordered filed a communication dated April 16, 1923 from the Interborough Rapid Transit Company transmitting a copy of a contract dated February 24, 1923, between the Interborough Rapid Transit Company and Alphons Custodis Chimney Construction Company for the construction of chimney No. 6 at the 59th Street Power House.

534

Lease—Proposed Rider Extending Term of Lease of Second Floor of Premises at No. 86 Fulton Street, Borough of Manhattan, for One Year from May 1, 1923—Approval Resolution

The following resolution was adopted:

Resolved, That the proposed rider dated April 13th, 1923, affixed to and extending the time under the lease dated May 5th, 1921, between James S. Segrave as landlord and the Transit Commission as tenant, of the second floor loft in the building located at No. 86 Fulton Street in the Borough of Manhattan, City of New York, for the carrying on of the business of a laboratory and for no other purpose, for a period of one year, from May 1st, 1923 to May 1st, 1924, upon the same terms and conditions contained in the same said lease, be and the same hereby is approved and that the Chairman and Secretary are authorized and directed to execute and deliver said rider for and on behalf of this Commission.

535

Employees' Resolution No. 138

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Frank Calabrese, junior assistant, at \$125.08 per month, to take effect April 16, 1923; Mary G. Cardile, stenographer, at \$90.00 per month, to take effect April

16, 1923; Martin C. Hunt, engineering inspector, at \$150.08 per month, to take effect April 16, 1923; Allen H. Tosh, engineering inspector, at \$150.08 per month, to take effect April 16, 1923.

Appointments under Rule VIII:4—Paul H. Borenstein, junior assistant, at \$125.08 per month, to take effect April 16, 1923; Alex M. Emerman, junior assistant, at \$125.08 per month, to take effect April 16, 1923; Alfred F. Geraci, junior assistant, at \$125.08 per month, to take effect April 11, 1923; Joseph Gladstein, draftsman, at \$150.08 per month, to take effect April 16, 1923; Peter J. Lauritzen, architectural draftsman, at \$150.08 per month, to take effect April 11, 1923; Benjamin I. Nelson, draftsman, at \$150.08 per month, to take effect April 16, 1923; Samuel A. Pickoff, draftsman, at \$150.08 per month, to take effect May 1, 1923; Stephen M. Poutier, draftsman, at \$150.08 per month, to take effect April 19, 1923; Harry Stern, junior clerk, at \$60.00 per month, to take effect April 12, 1923; Samuel J. Thier, junior assistant, at \$125.03 per month, to take effect April 12, 1923.

Resignations—Ralph H. Baxter, junior assistant, at \$125.08 per month, to take effect April 4, 1923; Samuel Chimes, draftsman, at \$150.08 per month, to take effect February 28, 1923; Louis J. Gardella, draftsman, at \$150.08 per month, to take effect April 9, 1923; Charles R. McConkey, junior engineer, at \$165.00 per month, to take effect April 5, 1923; David Margolis, junior assistant, at \$125.08 per month, to take effect April 16, 1923; Edward J. Politoske, junior assistant, at \$125.08 per month, to take effect April 11, 1923.

Change of Title—Paul S. L. Bolger, assistant engineer to engineer accountant at \$266.66 per month, to take effect May 1, 1923.

Leave of Absence with Pay—Lydia E. Kaufman, stenographer, from March 19, 1923, to March 31, 1923; Gertrude G. Kennedy, bookkeeper, from March 12, 1923, to March 17, 1923.

Leave of Absence without Pay—Benjamin Holand, junior electrical engineer, from March 16, 1923, to April 30, 1923; Lydia E. Kaufman, stenographer, from April 1, 1923, to December 31, 1923.

Death—Abraham S. Goldberg, junior engineer, \$180.03 per month, April 7, 1923.

536

Voucher Schedule No. 16

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted to the Comptroller of The City of New York for payment.
Vouchers Nos. 376-405, open market orders, \$1,135.77; Vouchers Nos. 210-228, miscellaneous bills, \$1,293.57;

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 94; Jacob Schlesinger, Inc.; final estimate for the completion of construction and station finish for Routes Nos. 5 and 20, to December, 1922 (R. T. 7525) \$3,362.86;

Voucher No. 95; B. T. & J. J. Mack, Inc.; approximate estimate No. 2 for the construction of transformer closets for emergency lighting for part of the Broadway-Fourth Avenue Rapid Transit Railroad, from March 16, 1923 to April 15, 1923. (R. T. 7587) \$2,990.28.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, April 19, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.
The following matters were presented and action taken as noted:

537—R. T. 5006

Agreement "CI"—Receipt of Bids for Borings on Sites of Proposed Coney Island Yard, Westchester Avenue Yard and Extension of Broadway-Fourth Avenue Line—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the making of borings on sites of the proposed Coney Island Yard, Westchester Avenue Yard and extension to the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park between Seventh Avenue and Central Park West had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the four bids received. The bids were then referred to the Chief Engineer.

538—R. T. 7648

Agreement "CJ"—Receipt of Bids for Construction of Concrete and Steel Highway Bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the seven bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, April 20, 1923

539

Hearing

The following hearing was held:
11:15 A. M.; Case No. 2679; Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization. Chairman McAneny and Commissioners Harkness and O'Ryan presided. Hearing adjourned to April 24, 10 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, April 24, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

540—R. T. 7652

Route No. 45, Section No. 2—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Part of Nassau Street Line—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Section No. 2, Broad and Nassau Streets (under Contract No. 4).

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal together with the Specifications and Contract Drawings for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Section No. 2, Broad and Nassau Streets (under Contract No. 4), be and hereby are approved and adopted and that said Invitation to Contractors, be published in the CITY RECORD every day of publication continuously from and including April 27, 1923 to and including May 22, 1923, and on May 1, 1923 and May 8, 1923, in THE NEW YORK TRIBUNE and THE EVENING MAIL, daily newspapers published in the City of New York, and that such bids as shall be received shall, on the 22nd day of May, 1923, at eleven-thirty (11:30) o'clock a. m., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

541—R. T. 6998

Broadway Elevated Line—Draft Form of Contract for Construction of Station at Williamsburg Bridge Plaza—Resolution Directing Public Hearing be Held and Notice be Advertised

The following resolution was adopted:

Whereas, There is now submitted to the Commission a draft form of proposed contract for the reconstruction of a part of the Broadway-Fourth Avenue rapid transit railroad at Williamsburg Bridge Plaza, in the Borough of Brooklyn (under Contract No. 4);

Resolved, That before finally fixing the terms and conditions of said proposed contract for the reconstruction of a part of the Broadway-Fourth Avenue rapid transit railroad at Williamsburg Bridge Plaza, in the Borough of Brooklyn (under Contract No. 4), that a public hearing upon the proposed terms and conditions thereof shall be held on the 10th day of May, 1923, at the office of the Transit Commission at No. 49 Lafayette street, Borough of Manhattan, New York City, at 11:30 o'clock A. M., at which hearing citizens shall be entitled to appear and be heard; and that notice of such hearing shall be published in the CITY RECORD every day by publication continuously from and including April 26th to and including May 10, 1923, and on April 30th and May 7, 1923, in THE BROOKLYN CITIZEN and THE STANDARD UNION, daily newspapers published in the Borough of Brooklyn, City of New York, and that such notice shall state that copies of said draft of proposed contract may be obtained at the office of the Transit Commission on the payment of the fee of One (\$1.00) Dollar for each copy.

542

Upon motion, duly seconded and adopted, the meeting was adjourned to Wednesday, April 25, 1923.

543

Hearings

The following hearings were held:

10 A. M.; Case No. 2679; The Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization; adjourned by direction of the Commission to April 24th, 1923, at 2:30 P. M.

2:30 P. M.; Case No. 2679; The Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization; adjourned by direction of the Commission to April 25th, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, April 25, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

544—R. T. 5006

Agreement "CI"—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders for Borings on Sites of Coney Island Yard, Westchester Yard and Extension of Seventh Avenue Line—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on April 19, 1923, for making borings on the sites of the proposed Coney Island Yard, Westchester Avenue Yard and extension to the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park between Seventh Avenue and Central Park West, Agreement "CI," the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of Three hundred (\$300) dollars each, deposited with their bids.

545—R. T. 7648

Agreement "CJ"—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders for Construction of Highway Bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on April 19, 1923, for the construction of concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, Agreement "CJ," the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of One thousand (\$1,000) dollars each, deposited with their bids.

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546—R. T. 5006

Agreement "CI"—Report by Acting Chief Engineer as to Receipt of Bids for Making Test Borings at Sites of Proposed Corona and Westchester Storage Yards and Extension of Broadway-Fourth Avenue Line under Central Park and Recommendation for Award of Contract to Philip J. Healey at Bid Price of \$7,380—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

April 21, 1923.

TO: TRANSIT COMMISSION.

Award of Contract to Philip J. Healey for Agreement "CI"

On April 19, 1923, bids were received for work under Agreement "CI", borings on the sites of the proposed Coney Island Yard, Borough of Brooklyn and proposed Westchester Avenue Yard, Borough of Bronx and along the proposed extension to the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park between 7th Avenue and Central Park West, Borough of Manhattan. The following four (4) bids were received:

Name	Amount
Philip J. Healey	\$7,380.00
Joseph W. Edwards	10,087.50
Sprague & Henwood, Inc.	14,490.00
Pennsylvania Drilling Co.	17,700.00

The lowest bidder, Philip J. Healey has previously done similar work for the Commission. He had a contract for borings on the Flushing Extension, Route No. 52, which work was completed March 6, 1923, and carried out to our satisfaction, the final estimate amounting to \$2,854.48. Besides this work Philip J. Healey was the general manager for Patrick J. Healey who previously carried out successfully a number of boring contracts for the Dual Subway System. I have looked over this contractor's bid and find the prices to be reasonable.

Attached I send you copy of minutes of a conference held in the Chief Engineer's office April 20th, which contains a financial statement by the contractor.

Recommendation: I respectfully recommend from an engineering standpoint that the contract for work under Agreement "CI" borings for Broadway-Fourth Avenue subway extension via Central Park, Coney Island and Westchester Avenue Yards be awarded to the lowest bidder, Philip J. Healey at his bid price of \$7,380 and that a request be made on the Board of Estimate and Apportionment for an appropriation of this amount of which \$2,195 is to be charged to Contract No. 3 and \$5,185 to Contract No. 4.

SVERRE DAHM,
Acting Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract (Agreement "CI") for the work of making test borings on the sites of the proposed Coney Island Yard, Borough of Brooklyn, the proposed Westchester Avenue Yard, Borough of The Bronx, and along the proposed extension of the Broadway-Fourth Avenue Line under Central Park, Borough of Manhattan, was heretofore finally adopted and subsequent to advertisement duly made bids respectively totalling as follows were received on April 19, 1923:

Name	Amount
Philip J. Healey	\$7,380.00
Joseph W. Edwards	10,087.50
Sprague & Henwood, Inc.	14,490.00
Pennsylvania Drilling Co.	17,700.00

; and

Whereas, The Acting Chief Engineer of this Commission, by communication dated April 21, 1923, has reported that the amount of said low bid is reasonable and that the said Philip J. Healey is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment

for the sum of \$7,380, the amount estimated to be necessary to carry out said proposed contract on the part of the City,

Resolved, That the said report and recommendation of the Acting Chief Engineer be and the same hereby is approved; that the bid of Philip J. Healey be and the same hereby is accepted and that the said proposed contract for work under Agreement "CI", be and hereby is awarded to said Philip J. Healey, subject to its being consented to in form and substance as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$7,380, estimated to be necessary to meet the City's obligations under said proposed contract be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 25, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract, Agreement "CI", to be entered into between The City of New York, acting by the Transit Commission, and Philip J. Healey, for the work of making test borings in the proposed Coney Island Line, in the Borough of Brooklyn; in the proposed Westchester Avenue Line, in the Borough of The Bronx, and along the proposed extension of the Broadway-Fourth Avenue Line in Central Park between 7th Avenue and Central Park West, Borough of Manhattan, together with a requisition upon your Honorable Board for the appropriation of the sum of Seven thousand three hundred eighty dollars (\$7,380), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on April 19, 1923, respectively totalling as follows:

Philip J. Healey	\$7,380.00
Joseph W. Edwards	10,087.50
Sprague & Henwood, Inc.	14,490.00
Pennsylvania Drilling Co.	17,700.00

The Acting Chief Engineer of this Commission in a communication dated April 21, 1923, reports that the bid of Philip J. Healey, the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the said Philip J. Healey, subject to its being approved and consented to in form and substance, as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Seven thousand three hundred eighty dollars (\$7,380), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Seven thousand three hundred eighty dollars (\$7,380).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition to the extent of Two thousand one hundred ninety-five dollars (\$2,195), is a sub-requisition under and not in addition to the requisitions heretofore made by the predecessors of the Transit Commission for the purpose of carrying out the contract dated March 19, 1913, known as Contract No. 3, and to the extent of Five thousand one hundred eighty-five dollars (\$5,185), is a sub-requisition under and not in addition to the requisitions heretofore made by the predecessors of the Transit Commission for the purpose of carrying out the contract dated March 19, 1913, known as Contract No. 4, and the appropriations made in consequence thereof.

TRANSIT COMMISSION.

By GEORGE McANENY,
Chairman.

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547—R. T. 7648

Agreement "CJ"—Report by Acting Chief Engineer as to Receipt of Bids for Construction of Highway Bridge Over Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, and Recommendation for Award of Contract to M. A. Charles at Bid Price of \$49,907.21—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$24,953.61 as City's Share

The following report was approved:

April 21, 1923.

To: TRANSIT COMMISSION.

Award of Contract to M. A. Charles for Agreement "CJ"

On April 19, 1923, the following bids were received for work under Agreement "CJ," construction of a concrete and steel highway bridge on Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn:

Name	Amount
M. A. Charles.....	\$49,907.21
P. T. Cox Contracting Co. Inc.....	57,334.25
B. T. & J. J. Mack, Inc.....	59,792.30
Jacob Schlesinger, Inc.....	63,066.25
Jobson-Gifford Co.	64,270.00
Ward & Tully, Inc.....	64,421.75
Norman A. Deiser.....	71,647.50

Our estimate for this work amounted to \$51,114.50.

M. A. Charles has not previously done any work for the Commission but has done considerable work for other City departments. Our inquiries indicate that his work has been done to the satisfaction of the different parties for whom he worked as a contractor.

From the information received I consider M. A. Charles qualified to carry out this contract satisfactorily. I have looked over his bid and find that the prices bid are reasonable.

Attached I send you copy of minutes of a conference held in the Chief Engineer's office April 20th and also copies of two letters containing statements in regard to the contractor's financial ability to carry out the work.

The cost of this work is to be distributed in the following manner: the City to contribute 50%, the Brooklyn Rapid Transit Company 25% and the South Brooklyn Railway Company 25%.

Recommendation: I respectfully recommend from an engineering standpoint that the contract for work under Agreement "CJ," construction of a concrete and steel highway bridge on Ninth Avenue between 37th and 38th Streets, Brooklyn, be awarded to the lowest bidder M. A. Charles at his bid price of \$49,907.21 and that a request be made on the Board of Estimate and Apportionment for an appropriation of one-half of this amount, namely, \$24,953.61, to be charged to Contract No. 4.

SVERRE DAHM,
Acting Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract (Agreement "CJ") for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets in the Borough of Brooklyn, was heretofore finally adopted and pursuant to advertisement duly made bids respectively totalling as follows were received on April 19, 1923:

M. A. Charles.....	\$49,907.21
P. T. Cox Contracting Co. Inc.....	57,334.25
B. T. & J. J. Mack, Inc.....	59,792.30
Jacob Schlesinger, Inc.....	63,066.25
Jobson-Gifford Co.	64,270.00
Ward & Tully, Inc.....	64,421.75
Norman A. Deiser.....	71,647.50

; and

Whereas, The Chief Engineer of this Commission by communication dated April 21, 1923 has reported that the amount of said low bid is reasonable and that the said M. A. Charles is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to him and the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of one-half of the estimated cost, to wit, \$24,953.61, the amount estimated to be necessary to meet the obligations of the City under said proposed contract,

Resolved, That said report and recommendation be and the same hereby are approved; that the bid of M. A. Charles be and the same hereby is accepted and that the said proposed contract for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, be and hereby is awarded to the said M. A. Charles, subject to its being approved and consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$24,953.61 estimated to be necessary to meet the City's obligations under said proposed contract be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 25, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

In connection with the prosecution of the work of construction pursuant to the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation known as Contract No. 4, certain work was done in excavating in the so-called 38th Street cut in the Borough of Brooklyn at and about Ninth Avenue, which resulted in creating an excavation for which no substitute was provided and depriving pedestrian and vehicular traffic of a means of access where formerly there was solid fill. In addition to the excavation incidental to the construction of the City's railroad certain additional excavation was made during the period from September, 1918 to April 1919 on behalf of the Federal Government in the operation of the South Brooklyn Railway Company's property.

Under date of October 20, 1922 the Chief Engineer of this Commission advised as follows:

"In my letter of December 14, 1921 to you concerning the above matter, reference was made to the necessity of determining the relative responsibility of the City and the South Brooklyn Railway Company for the construction of a bridge to carry 9th Avenue over the cut which intercepts 9th Avenue between 37th & 38th Sts.

You were also advised that Counsel, after considering the matter, suggested 'that the South Brooklyn Railway Company be notified to relocate its tracks, which will afford the City an opportunity to place the fill to the extent of the width of excavation necessitated by the City work and that it also be notified of the opinion of this department that it is obligated to provide a crossing over that portion of the excavation effected by the Federal Government.'

With your approval the following communication was therefore sent to the South Brooklyn Railway Company:

'Officials of Greenwood Cemetery have called attention to conditions now existing at 9th Avenue between 37th & 38th Streets Brooklyn, and have requested that provision be made as soon as possible for the restoration of a suitable roadway for vehicular traffic and pedestrians.

Before proceeding with this work, however, I desire to call your attention to the fact that during the period from September 1918 to April 1919 the original cut which was made for the deviation of the Culver Line tracks during the construction of the City's railroad was materially widened by the Federal Government in behalf of your company beyond the requirements for the City's work.

Counsel to this Commission has advised that the City is obligated to provide a crossing only insofar as the cut is the result of work performed by the Contractors for the City or in the necessary deviation of the tracks of the South Brooklyn Railroad Company, necessitated by or as a result of such work.

Counsel has further advised that the City is not obligated to provide a crossing over that portion of the excavation which was subsequently made on your behalf.

You are therefore requested at your own expense, either to remove your tracks from the cut or provide the necessary support to prevent the spreading over your tracks of the backfill which is to be placed by the City, to effect its obligation to restore that portion of the crossing for which it is responsible.

After considerable correspondence between the officials of the railroad company and ourselves relative to the proposed plans for the restoration of 9th Avenue over the cut, and to the proper distribution of cost thereof between the City and the railroad company, Mr. Menden, General Manager, for Lindley M. Garrison, Receiver of Brooklyn Rapid Transit Co., N. Y. Munc. Ry. Corp., and N. Y. Consolidated Railroad Co., in letter dated Sept. 19, 1922, stated that the Receiver of the Brooklyn Rapid Transit Company had approved the B. R. T. companies paying one half the cost of the bridge, the total cost of which is estimated to be about \$40,000.

Our estimate of the cost of restoring the avenue by placing fill and providing the necessary retaining walls on the lines of 9th Avenue to sustain this fill is about \$21,000.

In view of this and the desirability of getting this much needed improvement under way, it seems advisable to accept the company's offer to assume one half of the cost thereof.

Recommendation: It is therefore recommended that the City assume one half the cost of constructing a bridge to restore 9th Avenue between 37th & 38th Streets, Brooklyn and that the offer of Lindley M. Garrison, Receiver acting in behalf of the railroad companies affected thereby, to assume the other half of the cost, be accepted. It is furthermore suggested that a suitable agreement be prepared embodying the above division of cost between the City and the railroad companies."

Accordingly a proposed contract was prepared between The City of New York acting by the Transit Commission, Brooklyn Rapid Transit Company and South Brooklyn Railway Company for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets in the Borough of Brooklyn (Agreement "CJ") whereby the City assumes one-half of the cost under said contract, the Brooklyn Rapid Transit Company one quarter and the South Brooklyn Railway Company one quarter of such cost. The payments by the two railroad companies are made directly by them upon vouchers certified by the Engineer of the Transit Commission. Said proposed contract, after formal adoption was advertised for proposals and bids were received on April 19, 1923 respectively totalling as follows:

M. A. Charles	\$49,907.21
P. T. Cox Contracting Co. Inc.....	57,334.25
B. T. & J. J. Mack, Inc.....	59,792.30
Jacob Schlesinger, Inc.	63,066.25
Jobson-Gifford Co.	64,270.00
Ward & Tully, Inc.	64,421.75
Norman A. Deiser	71,647.50

The Chief Engineer of this Commission in a communication dated April 21, 1923 reports that the bid of M. A. Charles, the low bidder, is reasonable and that he is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said M. A. Charles, subject to its being approved and consented to in form and substance as required by law.

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board as required by law, said proposed contract to be entered into with

the said M. A. Charles for the performance of such work, together with a requisition upon your Honorable Board for the appropriation of the sum of Twenty-four thousand, Nine hundred and fifty-three Dollars and Sixty-one cents (\$24,953.61) being one-half the estimated cost and being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Twenty-four thousand, Nine hundred and Fifty-three Dollars and Sixty-one cents (\$24,953.61) and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Twenty-four Thousand, Nine hundred and Fifty-three Dollars and Sixty-one cents (\$24,953.61).

Your Board is also requested to authorize pursuant to Section 45 of the Greater New York Charter the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a subrequisition under and not in addition to the requisitions heretofore made by the predecessors of the Transit Commission for the purpose of carrying out the contract dated March 19, 1913, between The City of New York and New York Municipal Railway Corporation known as Contract No. 4 and the appropriations made by your Honorable Board in consequence thereof.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

548—R. T. 7177

Routes Nos. 36 & 37—Reports by Chief Engineer and Real Estate Clerk Recommending Purchase of Fill on Site of Proposed Corona Yard—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$75,000.

Reports were presented from the Chief Engineer dated April 12, 1923, and from the Real Estate Clerk dated April 19, 1923, recommending the purchase of the fill on the site of the proposed Corona Storage Yard amounting to approximately 250,000 cubic yards at a price of 30¢ per cubic yard.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission, by communication dated April 12, 1923, has reported, as more particularly therein set forth, with respect to the question of acquiring the fill on the Corona Yard Site of the yard for the Queensboro Municipal Rapid Transit Railroad, and has recommended the purchase thereof from the owner at the price of 30¢ per cubic yard; and

Whereas, The Real Estate Clerk, by communication dated April 19, 1923, has recommended the approval of said report of the Chief Engineer; and

Whereas, Counsel has prepared and submitted a proposed requisition upon the Board of Estimate and Apportionment, which will effect the recommendation aforesaid;

Resolved, That said reports and recommendations be and the same hereby are approved and that the requisition so submitted be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

April 25, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

In connection with the acquisition of the site known as the Corona Yard in the Borough of Queens, as a part performance of the obligations of The City of New York to construct additional municipal Rapid Transit Railroads, as more particularly required in the contract dated March 19, 1913 between The City of New York, acting

by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, the Transit Commission was informed by the Acting Corporation Counsel, under date of January 30, 1922, as follows:

"In the Rapid Transit condemnation proceeding, commonly known as Peartree Avenue Storage, Corona Meadows, Mr. Justice VanSiclen made, after a trial held by him, a tentative decree dated September 29, 1921, wherein the sum of \$270,000 is awarded to the Degnon Realty & Terminal Improvement Co. Inc. subject to certain mortgages.

The property taken for the storage yard consists of filled in meadow land generally lying east of Peartree Avenue and between Roosevelt Avenue and the Long Island Railroad. During the trial the owner urged that the fill above the established grades of the tentative city streets within the lines of said streets and the fill two feet below said established street grades on the rest of the premises was personal property which was not and could not be taken in the condemnation proceeding. This office contended that all the fill both above and below said grades was real property and was taken in the condemnation proceeding and that the city became seized of the title thereof on August 20, 1920, the day the order of condemnation was entered. Subsequently, upon the argument of the owner's objections to said tentative decree, the Court has held in the following opinion reported in the New York Law Journal under date of January 17, 1922, that the owner's contention as to the fill is correct.

'Matter of Transit Construction Comm'r (Peartree Ave., &c.)—The claimant herein was the owner of certain lands which the petitioner has acquired by condemnation for railroad purposes. The land taken was lowland filled in pursuant to a contract between the claimant and an allied company called the Degnon Contracting Company. This contract was made in 1914, and the work was going on in 1917 when the claimant and its contractor interchanged letters wherein the contractor to better serve its then present needs sought the right to store a quantity of excess fill upon a portion of the filled lands. This privilege was extended to it by the claimant on condition that all of said excess fill so stored would be removed. Later on the contract of 1914 was terminated by mutual consent by a writing which released and relinquished to the claimant all rights of the contractor to such stored excess fill. The claimant now contends that this course of conduct fixes the character of this stored excess fill as personal property and discloses an intention not to annex it to the freehold so that it will pass by condemnation. The petitioner contends that all rights thereto have been merged in the claimant; that the excess fill would have been used by the contractor to level the property up to the grade provided for by the contract and make up for settling and shrinkage; that the claimant has used this claimed excess fill as it has the rest of the property and in such a way as to stamp it all with the same measure, and that it would cost all or more than it is worth to remove the disputed property. What the parties have expressed in writing as to their plans and intentions seem clear enough, but just what their ultimate purposes were in doing so is not so clear. It is an easy matter to treat this filling material as personal property because it was unquestionably of that character only recently. What its ultimate destination was to be is problematical. That it has a value is beyond question. There is a considerable quantity of it and its value for some purpose is such that a decision as to its disposition is necessary. The weight of the facts favors the view that the disputed material is personal property and could not pass to the petitioner in this proceeding. (*Rider v. Stryker*, 63 N. Y. 136). If the applicant seeks to retain it, the same must be removed expeditiously and without interference with the uses to which the petitioner is about to put the condemned property. Only so much can be removed as would constitute excess over and above that necessary to bring the filling up to the grade provided for in the contract, taking into account both settling and shrinkage. The parties should arrange to bring on before the Court such proposals as they may have and settle the terms necessary to carry out this determination. The court is not inclined to change its ruling as to the easement owned by the New York & Queens County Railway, as it does not appear that the same is to be affected, and the corporation counsel's brief states positively that it is not affected in any way by the proceeding, and the court will deem that as authoritative statement in respect thereof.'

The decree to be signed and entered by the Court in the future will contain the terms whereby the Court's determination will be carried into effect and as appears from aforesaid opinion the Court has asked for proposals as to such terms from both sides.

* * * * *

If you care to retain this so-called excess fill this office will appeal, with quite some hope of success, to the Appellate Division, Second Department from that part of the final decree, wherein it is determined that the alleged excess fill is personal property and directs its removal."

and by communication dated December 7, 1922 from the Acting Corporation Counsel as follows:

"I beg to advise you that upon appeal taken by the City, the Appellate Division, Second Department, unanimously affirmed without opinion the final decree entered herein on February 21, 1922.

Both said Appellate Division and the Court of Appeals have denied applications made by the City for leave to appeal to the Court of Appeals from the order of affirmance made by said Appellate Division.

Therefore, the provisions contained in said affirmed decree should be complied with."

Thereafter, under date of February 2, 1923, the Acting Corporation Counsel transmitted a copy of an order entered in said proceeding on January 19, 1923, wherein it is provided as follows:

"Ordered that said motion be and the same is hereby granted and the time of the Degnon Realty & Terminal Improvement Company, claimant herein, to remove the excess ash fill from the land acquired in the proceeding as provided for in the said final decree be and the same is hereby extended from November 15, 1922 to November 1, 1923."

The Chief Engineer of this Commission, under date of April 12, 1923, has reported with respect to the subject of this fill in its relation to the construction of the Flushing Extension of the municipal rapid transit railroad in the locality in which the yard is situated, as follows:

"Under the Court's decision, the fill now on the Corona Yard Site has decreed to be the property of the Degnon Realty & Terminal Improvement Co. and this company was given until November 1, 1923 in which to remove it. The Queens Subway Apartment and Loft Building Corporation now claims the ownership of this fill. If this fill were removed it would be necessary to obtain other material to replace it with the loss of time incidental thereto. It is therefore desirable to retain the present fill which is composed largely of ashes if satisfactory terms can be arranged with the owner.

The Queens Subway Apartment and Loft Building Corporation by a letter dated April 11, 1923, of which a copy is enclosed, offered to sell this fill to the Commission at 30c. per cu. yd. It is estimated that the fill now in place amounts in round figures to 250,000 cu. yds. This estimate however is subject to change when a more careful estimate is made.

In a recent conference with Mr. M. J. Degnon and Mr. N. G. Degnon, representing the Queens Subway Apartment and Loft Building Corporation, they submitted an offer to sell the fill at 35c. per cu. yd. In their letter of April 11th, 1923, written subsequent to our conference, they reduced their price to 30c. per cu. yd.

In the contract with the Oakdale Contracting Company, Inc., for the subway portion of the Flushing Extension, Section 3, of Route 52, there is a provision that a part of the excavated material be placed on the site of the Corona Yard if so ordered by the engineer. The Contractor bid 25c. per cu. yard for the additional cost of placing this fill on the yard site. This contract however would provide probably less than one fifth of the amount that would be needed if the present fill were removed. Furthermore, as the owner of the fill has until November 1st, next, in which to remove it, we cannot make use of the provision of the Oakdale Contract until then. By that time, however, it is expected that most of the material available from the Oakdale Contract will have been disposed of in other ways, because we cannot hold back work under that contract until

next November. It would be necessary in that event to let another contract, for filling the yard site and if such a contract was ready for delivery by November 1st, 1923, it would probably take six months or more to do the filling, and the grading of the yard would not be ready, therefore, until May, 1924, or a year from the present time at the earliest.

An investigation has been made of the probable cost of supplying fill for the yard site in the event that the existing fill were removed, and it is apparent that the cost would be in excess of the 30 cents per cubic yard offered by the Queens Subway Apartment and Loft Building Corporation. In view of this and of the saving in time that would be effected by accepting the present offer, I am of the opinion that the offer of the Queens Subway Apartment and Loft Building Corpn. to sell the fill now on the yard site at 30 cents per cubic yard is advantageous to the City and should be accepted. It is estimated that the amount involved would be about \$75,000. Attention is called to the condition in the Corporation's letter of April 11, that 'we would have an additional length of time after Nov. 1st, 1923, for any time we would be delayed beyond April 20, 1923, in receiving an answer from you as to whether you desire us to leave the ashes in place or not.'"

The Real Estate Clerk of this Commission, in a report dated April 19, 1923, states as to the purchasing of said fill as follows:

"I think it may be shown that the ground rent and the delay in the completion of this yard which would result from permitting the owner of the surplus fill to take his time about removing it, is costing the City \$25,000 per annum at a minimum figure. Consequently, we must take into consideration, in considering the value of the surplus fill to us, the inadequacy of the supply at a lower figure for immediate use and the loss in ground rent and interest due to a further holding up of the work of completing this yard.

"The intrinsic value of the surplus fill, substantially in place but not graded, is not thirty cents per cubic yard in my estimation. Twenty cents per cubic yard would probably be a good figure; but, if we do not take this fill at thirty cents per cubic yard, it seems to me that it will eventually cost the City, because of existing conditions, probably over fifty cents per cubic yard.

"I am compelled to conclude therefore that it would be very good business for the City to purchase the existing fill at thirty cents per cubic yard."

The Commission is advised that because of the unique situation which results from the unusual relation of the fill to the fee, this subject matter is removed from the legal limitations with respect to the purchase of a general commodity in the open market. It is necessary to purchase this particular fill on this particular site to acquire for the City the benefits which have been described as attendant upon such transaction.

The Transit Commission has approved the reports and recommendations of its Chief Engineer and Real Estate Clerk and requests your Honorable Board to consent to the purchase of such personal property constituting the fill on the city-owned site comprising the Corona Yard of the Queensboro Rapid Transit Railroad from the owner of such fill, to wit, the Queens Subway Apartment and Loft Building Corporation, at the sum of 30c. per cubic yard or upon the estimated quantity of 250,000 cubic yards, a total estimated expenditure of \$75,000.

Requisition is accordingly made upon your Honorable Board for the appropriation of the sum of \$75,000 for said purpose, such requisition being a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out the contract dated March 19, 1913, known as Contract No. 3, and the appropriations made in consequence thereof.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

549—R. T. 6315, 5007

Contract No. 1—Certificate by Acting Chief Engineer of Completion of Work for Changes in Subway Structure at Park Avenue and 33rd Street and at St. Nicholas Avenue and 181st Street—Resolution Accepting Work and Directing that Certificate of Completion and Acceptance be Transmitted to Comptroller of City of New York and to President of Borough of Manhattan

The following certificate was approved:

April 18, 1923.

TO: TRANSIT COMMISSION:

Certificate of Completion: Changes to Subway Structures at Park Avenue & 33rd Street and St. Nicholas Avenue & 161st Street.

In connection with the agreement dated June 1, 1922 between the City of New York, acting by the Transit Commission, and Interborough Rapid Transit Company for changes to subway structure on the west side of Park Avenue and 33rd Street and changes to subway structure at St. Nicholas Avenue and 181st Street, under the jurisdiction of the President, Borough of Manhattan, I hereby certify that the work was completed in accordance with the provisions of said agreement. The cost of the work was \$14,033.74.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

SVERRE DAHM,
Acting Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The agreement dated June 1, 1922 between The City of New York acting by the Transit Commission and Interborough Rapid Transit Company providing for changes in the subway structure on the west side of Park Avenue and 33rd Street and at St. Nicholas Avenue and 181st Street in the Borough of Manhattan incidental to roadway changes under the jurisdiction of the President of Manhattan, requires acceptance of the work upon the completion thereof in accordance with said agreement; and

Whereas, The Acting Chief Engineer of this Commission by communication dated April 18, 1923 has certified that all the work required under said agreement was in all respects completed in accordance with the provisions thereof; that the total cost thereof was \$14,033.74 and recommends that such work so performed be accepted and that a certificate to such effect be transmitted to the Comptroller of The City of New York,

Resolved, That said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of The City of New York and to the President of the Borough of Manhattan.

550—R. T. 7457

Route No. 18—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Schedule Item for Painting Structural Steel Work under Contract for Enclosure to Inspection Shed at 180th Street Yard—Resolution Approving Schedule Item

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on April 13, 1923, was ordered filed:

(Cal. No. 205)

Whereas, The Board of Estimate and Apportionment on June 9, 1923, consented to a contract with the Rosenthal Engineering Contracting Company, Inc., for the construction of inspection shed enclosure for the White Plains Road Rapid Transit Railroad, Route No. 18 (180th street yard), and authorized an issue of corporate stock in the sum of two hundred and sixty-seven thousand seven hundred and seventy-eight dollars and eighty-five cents (\$267,778.85) to meet the obligations of the City under said contract, as a subauthorization against the funds heretofore authorized for Rapid Transit Contract No. 3; and

Whereas, Section 210 of said contract with the Rosenthal Engineering Contracting Co., Inc., provides that all exposed structural steel erected under other contracts and

which has already been painted a shop coat and a second coat shall be painted one coat of "K-1," but no provision was made in said contract for the payment for such painting; and

Whereas, The total quantity of steel to be so painted is approximately 92,000 square feet, which at the price of 6½ cents per square foot (the price submitted by the Rosenthal Engineering Contracting Co., Inc.), will amount to \$5,980 or in excess of the amount of \$5,000 which the third paragraph of Item 150, of said contract with the Rosenthal Engineering Contracting Co., Inc., states shall not be exceeded for any single order of work or materials unless the approval is obtained of the Board of Estimate and Apportionment; now therefore be it

Resolved, That the Board of Estimate and Apportionment (without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void), pursuant to the requisition of the Transit Commission to this Board, dated March 20, 1923, does hereby consent to the establishment by said Transit Commission, pursuant to the provisions of Item 150 of said contract with the Rosenthal Engineering Contracting Co., Inc., of a supplemental schedule item, reading as follows:

"Item 561-B—For painting with one coat of 'K-1' the exposed structural steel work erected under other contracts and which has already been painted a shop coat and second coat, the price of 6½ cents per square foot."

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated June 26, 1922 between the City of New York acting by the Transit Commission and the Rosenthal Engineering and Contracting Corporation, for the construction of the Inspection Shed Enclosure at the 180th Street Yard, under Contract No. 3, having, subject to the approval of the Commission, agreed with the said Contractor on the following supplementary schedule item:

Item No. 561-B—For painting with one coat of "K-1" the exposed structural steel work erected under other contracts and which has already been painted a shop coat and second coat, the price of 6½ cents per square foot.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

551—R. T. 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Submitting Understanding of Result of Conferences with Respect to Installation of Boilers at 59th Street Power House—Copy of Reply Advising of Approval—Approved

The following communication was presented:

INTERBOROUGH RAPID TRANSIT COMPANY
No. 165 Broadway,
New York.

April 20, 1923.

Dear Sir:

Referring to the increased boiler capacity at the 59th Street Power Plant proposed by this Company, which matter has been pending since the latter part of last year, and upon which many conferences have been held between the engineers of this Company and Dr. Lucke, your Consulting Engineer, together with Mr. Ridgway and other members of your staff, our understanding of the result of such conferences is as follows:

1. Boilers:

The Commission's engineers recommend approval of the general designs submitted by this Company as to boilers, stokers and superheaters, with the following exceptions:

The boilers to provide for a maximum pressure of 350 pounds, instead of 285 pounds, as recommended by the engineers of this Company. The Company accepts the recommendation. It is understood that it will increase the cost of the boilers approximately \$4,000 each to provide for this additional boiler pressure.

2. Delivery:

This Company will urge the Babcock & Wilcox Boiler Company to make earliest possible delivery on two boilers, and the Company will also make every possible effort to induce the Babcock & Wilcox Company to accept an order for a total of four boilers, the remaining two to be delivered not later than March 1st, 1924.

3. Superheaters:

It is our understanding that the engineers of the Commission have consented to the equipment of one of these boilers with the Foster Radiant Heat type of superheater, and that the other three boilers are to be equipped with the so-called "Inter-deck" type of superheaters.

4. Stokers:

The stokers for these boilers are to be constructed in accordance with drawings and specifications prepared by the engineers of this Company, as already approved by the engineers of the Commission.

Will you kindly cause this matter to be placed before the Commission with a view to having its confirmation reach this office as early as possible, so that orders to the manufacturers may be issued forthwith?

Very truly yours,

FRANK HEDLEY,
President and General Manager.

Mr. JAMES B. WALKER,
Secretary, TRANSIT COMMISSION,
State of New York,
49 Lafayette Street,
New York City.

Upon motion, duly seconded and adopted, the Secretary was authorized to forward a reply advising of the approval by the Commission of the above understanding.

552—R. T. 6694

Manhattan "L" Lines—Application by Interborough Rapid Transit Company for Extension of Time to June 15, 1923, within Which to Complete Plans, Specifications and Estimate of Cost for Installation of Signal System on One Mile of Local Track—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approved

An application was presented from the Interborough Rapid Transit Company dated April 16, 1923, requesting an extension of time to and including June 15, 1923, within which to complete plans, specifications and estimate of cost for installing a speed control system of signals with automatic stops on one mile of local track on the elevated railroads.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer dated April 21, 1923, transmitting a form of reply, granting such extension of time.

Upon motion, duly seconded and adopted, the Secretary was authorized to sign and forward the form of reply, granting the extension of time.

553—R. T. 6861

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase of 67,000 Feet of Sector Cable for Substation No. 27—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated April 7, 1923, requesting approval of a proposed contract with the Standard

Underground Cable Company for the purchase of 67,000 feet of three conductor 0000 19,000 volt sector shape cable, at an estimated cost of \$110,811 for Substation No. 27.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer dated April 16, 1923, recommending that the contract be approved.

The following resolution was adopted:

Whereas, By resolution adopted March 20, 1923, this Commission, pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, approved of the purchase by said Interborough Rapid Transit Company of 67,000 feet of 3 conductor 0000, 19000 volt sector shape cable from the Standard Underground Cable Company, at an estimated cost of \$110,811, to supply power to Substation No. 27 of the Railroad, as provided for in said Contract No. 3, such material to be classified as Equipment of the Railroad and such approval being given upon condition that the form of contract to be entered into by said Interborough Rapid Transit Company with Standard Underground Cable Company, to effect the approval therein given before execution and delivery thereof, be submitted to this Commission for approval; and

Whereas, In compliance with the provisions of said resolution Interborough Rapid Transit Company, by communication dated April 7, 1923, has submitted said proposed contract dated January 17, 1923, between said Interborough Rapid Transit Company and Standard Underground Cable Company for the purchase of said cable as approved aforesaid, which proposed contract the Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated April 16, 1923, reported and recommended approval thereof; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That the said proposed contract so submitted, together with the specifications made part thereof, be and the same hereby are approved and that said Interborough Rapid Transit Company be and hereby is authorized to execute and enter into said proposed contract.

554—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Three Sets of Machine Circuit Breakers for Substation No. 27—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated April 9, 1923 requesting approval of a proposed purchasing agent's order directed to the Westinghouse Electric & Manufacturing Company for three sets of Negative and Equalizer machine circuit breakers for Substation No. 27 at a cost of \$5,995.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer dated April 21, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs recommending that the work be classified as Equipment.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has, by communication dated April 9, 1923, requested the approval of this Commission to the issuance of a proposed purchasing agent's order

dated April 9, 1923, directed to Westinghouse Electric and Manufacturing Company for the following:

- 3 Sets Negative and Equalizer machine circuit breakers consisting of
 - 3 each 6000 Ampere, 650 volt, Type C.A. electrically operated circuit breakers, without overload or reverse current features.
 - 3 each 1000 Ampere, 650 volt, Type C.A. electrically operated circuit breakers. Each set to consist of one 6000 ampere and one 1000 ampere circuit breaker mounted on 1 black Monson slate panel, 32" x 45" x 2½".
 - 3 each 6000 Ampere, 650 volt, Type C.A. electrically operated, positive machine circuit breakers without overload or reverse current features. Each circuit breaker is to be mounted on a 24" x 45" x 2½" Black, Monson slate panel.
 - 3 each 6000 Ampere, 650 volt, Type C.A. hand operated positive switchboard circuit breakers, with reverse current but no overload features. Each circuit breaker is to be mounted on a 24" x 32" x 2½" Black Monson slate panel.

Price: \$5,995.00 for the lot.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 469"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated April 21, 1923, reported that the said circuit breakers are to be installed in Substation No. 27 of the Railroad as a part of Equipment for Initial Operation as provided for in said Contract No. 3; that no competitive bids were taken since the Interborough Company is using Westinghouse breakers exclusively; that the type and number of circuit breakers so proposed to be purchased and installed are proper; that the price is reasonable, and recommend the approval of said proposed purchasing agent's order; and

Whereas, By endorsement dated April 24, 1923 the Auditor of Rapid Transit Costs of this Commission has recommended classification for said material of Equipment of the Railroad.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Equipment of the Railroad as said terms are defined in said Contract No. 3.

555—R. T. 6597

Contract No. 4—Report by Engineer of Equipment and Operation and Chief Engineer as to Installation of Automatic Low Type Turnstile Control at Stations—Resolution Classifying Work and Assigning Work Order Numbers

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated April 23, 1923, with respect to the installation of automatic low type turnstile control installed at stations and proposed turnstiles to be installed.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, and pursuant also to the provisions of the certificates for elevated extensions and additional tracks allied with said Contract No. 4, the Transit Commission, by resolution adopted on August 10, 1922, approved of the installation of 96 automatic turnstiles (low type) at various stations of the Railroad and Existing Railroads as defined in said Contract No. 4, such work to be classified as Additional Equipment, but as to which this Commission did not assign a work order number; and

Whereas, By resolution adopted on October 3, 1922 this Commission approved a proposed purchasing agent's order for 100 similar turnstiles as Additional Equipment, and assigned thereto Work Order Nos. MBA-14 and MCR-7, no specific location as to the installation of such turnstiles having been designated; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated April 23, 1923, have reported that the installation of said turnstiles, pursuant to the authorizations aforesaid, have been made as follows:

Location	Number
Pacific Street Station.....	5
Rector St., East & Westbound.....	6
Cortland St., East & Westbound.....	14
City Hall	5
Union Square, North Mezzanine.....	4
23rd Street, Eastbound.....	4
28th Street	2
34th Street, North & South Ends.....	8
Times Square, North & South Ends.....	7
57th Street, North Mezzanine.....	1
Lexington Avenue, East Mezzanine.....	1
Chambers Street	12
Park Row	9
Essex Street	4
Stillwell Avenue Terminal	10
Avenue "J" Brighton Line.....	2
Kings Highway	2
Court Street	1
Total	97

and that it is proposed to install the following turnstiles:

40th St. End of Times Square (Additional).....	2
36th St. and 4th Ave.....	3
DeKalb Ave.....	3
Whitehall St., North and South Ends.....	4
West 8th St., Culver End.....	4
West 8th St., West 8th St. End.....	2
34th St. & Bway., North End (Additional).....	3
Court St. (Additional).....	2
Rector St. (Additional)	2
Total	25

and recommend that the Commission authorize and approve generally of the installation of automatic low type turnstile control at the stations of the Railroad and Existing Railroads, as defined in said Contract No. 4, upon the conditions hereinafter enumerated,

Resolved, That said report and recommendation be and the same hereby is approved; that this Commission, pursuant to the provisions of Article LXVIII and LXIX of said Contract No. 4, hereby authorizes as Additional Equipment of the Railroad, the Existing Railroads and/or the Elevated Extensions under said Contract No. 4 and Allied Certificates, the installation of automatic low type turnstile control on the stations of the Railroad, the Existing Railroads and Elevated Extensions, and hereby assigns the following work order numbers:

Classification	Work Order Number
Additional Equipment for the Railroad.....	MBA-21
Additions to Existing Railroads.....	MCA-23
Additions to Elevated Extensions.....	MKA-5

including the installation of additional turnstiles on stations of the Railroad, the Existing Railroads and Elevated Extensions where specific approval therefor has heretofore been given by this Commission, except that at stations where specific approval has already been given the work order number therefor, heretofore assigned, shall be applicable to any additional work at said stations performed pursuant to this general authorization, such approval and authorization hereby given to be subject to the following terms and conditions:

- (1) that the installation shall consist only of devices which have been specifically approved as to type by this Commission.

- (2) that the general and detail plans of the turnstiles, and the number and arrangement of turnstiles at each station shall receive the approval of the Chief Executive Officer or the Chief Engineer of this Commission in advance of installation.
- (3) that this Commission reserves the right to order the relocation or removal of any or all of the turnstiles, and the restoration of each station to its previous condition, whenever the judgment of this Commission indicates such relocation or removal to be warranted.

556

Staten Island Edison Corporation—Application for Approval of Acquisition of Capital Stock of Richmond Light and Railroad Company and Richmond Railways, Inc.—Opinion by Counsel—Approved

The Secretary presented two communications, dated March 29, 1923, from John M. Daly, addressed to Commissioner O'Ryan and Transit Commission, respectively, together with petition, dated March 8, 1923, of the Staten Island Edison Corporation, by J. H. Pardee, President, requesting the approval of the acquisition by said company of the capital stock of the Richmond Light and Railroad Company and the Richmond Railways, Inc. The Secretary also presented a report, dated April 16, 1923, by Assistant Counsel Stover, approved by Counsel to the Commission, recommending that the Commission refrain from consenting to the transfer of stock until the Staten Island Edison Corporation had acquired the electric plant and had clearly become an electrical corporation within the meaning of Section 54 of the Public Service Commission Law.

On motion of Commissioner O'Ryan the foregoing opinion and the recommendation therein contained were thereupon approved.

557—Case 2669

Staten Island Rapid Transit Railway Company and Staten Island Railway Company—Form of Annual Report for Year Ending December 31, 1922—Extension Order Adopted

The Secretary presented a communication, dated April 16, 1923, from the Staten Island Rapid Transit Railway Company and the Staten Island Railway Company, requesting an extension of time from April 10, 1923 to May 1, 1923, within which to file their annual reports for the year ending December 31, 1922.

The Secretary also presented a report, dated April 18, 1923, by H. S. Fischer, Statistician, recommending the granting of the desired extension of time, which said report was approved by the Chief, Bureau of Accounting & Valuations and the Acting Chief Executive Officer.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2669, granting the desired extension of time to May 1, 1923.

558—Case 2674

Brooklyn Eastern District Terminal—Application for Approval of Proceedings to Condemn Real Property at No. 80 Kent Avenue, Brooklyn—Discontinuance Order Adopted

The Secretary presented a communication, dated April 19, 1923, from Messrs. Parsons, Closson & McIlvaine, Attorneys for the Brooklyn Eastern District Terminal,

advising that a contract had been entered into on behalf of said company with the owners of property at No. 80 Kent Avenue, Brooklyn, and that it would be unnecessary for the Commission to issue a certificate of convenience in Case No. 2674.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2674, discontinuing the proceeding.

559—Case 2684

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which Cross Island Boulevard (Squire Street) Shall be Carried Across the Main Line Division of Railroad—Hearing Order with Notice Adopted

The Secretary presented a communication, dated April 17, 1923, from James Matthews, Assistant Secretary, Board of Estimate and Apportionment, transmitting certified copies of two resolutions adopted by the Board on April 6, 1923, approved by the Mayor on April 16, 1923, requesting the Commission to determine the method by which Cross Island Boulevard (Squire Street) should be carried across the Main Line Division of the Long Island Railroad Company, together with a map adopted by the Board showing the proposed changes.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2684, directing a hearing on May 18, 1923, at 10:30 A. M., with respect to the matter and directing publication of the notice thereof, and authorizing and designating George L. Lucas, Acting Chief Executive Officer, pursuant to Sections 8 and 11 of the Public Service Commission Law to conduct said hearing, to take the testimony therein and report same to the Commission with his opinion thereon for its decision and determination.

560—Case 2685

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which 211th Street (Bellaire Boulevard) Shall be Carried Across the Main Line Division of Railroad—Hearing Order with Notice Adopted

The Secretary presented a communication, dated April 17, 1923, from James Matthews, Assistant Secretary, Board of Estimate and Apportionment, transmitting certified copies of two resolutions adopted by the Board on April 6, 1923, approved by the Mayor on April 16, 1923, requesting the Commission to determine the method by which 211th Street (Bellaire Boulevard) should be carried across the Main Line Division of The Long Island Railroad Company, together with a map adopted by the Board showing the proposed changes.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2685, directing a hearing on May 21, 1923, at 10:30 A. M., with respect to the matter and directing publication of the notice thereof, and authorizing and designating George L. Lucas, Acting Chief Executive Officer, pursuant to Sections 8 and 11 of the Public Service Commission Law to conduct said hearing, to take the testimony therein and report same to the Commission with his opinion thereon for its decision and determination.

561

**New York & Queens County Railway Company, Lincoln C. Andrews, Receiver—
New Local Passenger Tariff No. 1 Showing Extension of College Point Line
through Junction Avenue—Reports by Chief of Transit Bureau and Counsel
Filed**

The Secretary presented a new tariff designated as Local Tariff Passenger Tariff No. 1, issued on April 12, 1923, by Lincoln C. Andrews, Receiver of New York & Queens County Railway Company, effective May 12, 1923, providing for the extension of the College Point Line through Junction Avenue from the intersection of Junction and Jackson Avenues, to the intersection of Junction and Roosevelt Avenues, in the Borough of Queens. The Secretary also presented a report, dated April 13, 1923, by the Chief of Transit Bureau, approved by the Acting Chief Executive Officer, recommending the filing of said tariff. The Secretary also presented a report, dated April 19, 1923, from Assistant Counsel Stover, approved by Counsel to the Commission, recommending the filing of said tariff as the purpose of its filing was to advise the public of the new operation.

Thereupon, the foregoing papers were ordered filed.

562—Case 2601

**New York Railways Company—Complaint of S. M. Jackson Jacobs Relative to
Failure of Sixth and Ninth Avenues Surface Lines to Transfer Northbound
at 53rd Street—Communication from Counsel Transmitting Check for \$10 Re-
ceived from the Attorneys for the Receiver in Payment of Motion Costs—
Communication Filed and Check Authorized Transmitted to City Chamber-
lain**

The Secretary presented a communication, dated April 19, 1923, from Counsel to the Commission, together with a communication dated April 18, 1923, from Winthrop & Stimson, Attorneys for the Receiver, New York Railways Company, transmitting check for \$10 motion costs under order of the Appellate Division of the Supreme Court, First District, on the denial of the Receiver's motion for certiorari order to review the Commission's Order requiring the exchange of transfers at 53rd Street northbound on the Sixth and Ninth Avenue surface lines.

Thereupon, the above-mentioned papers were ordered filed and the Auditor of the Commission authorized to transmit the check to the City Chamberlain.

563—R. T. 7654

**Routes Nos. 19 & 22, Section No. 2—Receipts from Corporation Counsel and
President of Borough of The Bronx for Map and Memorandum for Acquisi-
tion of Property for Site for Westchester Storage Yard—Filed**

The Commission ordered filed receipts from the Corporation Counsel and President of the Borough of The Bronx, dated April 19, 1923, for map and memorandum adopted by the Commission on April 18, 1923, for the institution of condemnation proceedings for the acquisition in fee of property between Westchester and Blondell Avenues, Eastchester Road, Haswell Street and Waters Avenue, Borough of The Bronx, necessary for a terminal storage yard and inspection shed.

[April 25, 1923]

564—R. T. 7479

Routes Nos. 19 and 22—Receipt from Department of Finance for Check in Sum of \$4,111.58 as Balance of Purchase Price for Property Sold at Public Auction on North Side of East 138th Street between Jackson Avenue and Southern Boulevard, Borough of The Bronx—Filed

The following receipt was ordered filed:

April 17, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
Bureau of Accountancy
Division of Receipts

Received from Transit Commission check for Four thousand one hundred eleven 58/100 (\$4,111.58).

Particulars:

Balance of purchase price of Plot VI, northerly side of East 138th Street, between Jackson Avenue and Southern Boulevard, Borough of The Bronx, sold to David Vogel and assigned to Anne E. Ostrander—\$4,050.00.

Interest on deferred payment on the above—\$61.58.

To be credited to Suspense Account, Code No. S 109 C (Real Estate Sales and Rentals of the Transit Commission).

For Comptroller,
H. H. RATHYEN,
Auditor of Receipts.

565—R. T. 7479, 6284, 6604

Rapid Transit Railroads—Receipt from Department of Finance for Check in Sum of \$88.28 as Interest on Properties Sold at Public Auction—Filed

The following receipt was ordered filed:

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
Bureau of Accountancy
Division of Receipts

April 17, 1923.

CHARLES L. CRAIG,
Comptroller.

Received from Transit Commission check for Eighty-eight 28/100 Dollars (\$88.28).

Particulars:

Interest on \$500 held by the Title Guaranty and Trust Co. in connection with property at the Southerly side of East 138th St. between Park Avenue and Canal Street West—Borough of Bronx, \$17.25.

Interest on \$4,250 held by the Title Guaranty and Trust Co. on property on the southerly side of Fulton Street, Hudson Ave. and Rockwell Place, Borough of Brooklyn, \$32.82.

Interest on \$900 held by the Title Guaranty and Trust Co. on property on the west side of Flatbush Avenue Extension, South of DeKalb Avenue, Borough of Brooklyn, \$28.30.

Interest on \$725 held by the Title Guaranty and Trust Co. in connection with property on the westerly side of Nostrand Ave. between Eastern Parkway and Union Street, Borough of Brooklyn, \$9.91.

To be credited to Suspense Account, Code No. S 109 C (Real Estate Sales and Rentals on the Transit Commission).

For Comptroller,
H. H. RATHYEN,
Auditor of Receipts.

566—R. T. 7600

Route No. 52, Section No. 1—Notice by Acting Chief Engineer of Commencement of Work for Construction of Column Foundations—Filed

A notice was ordered filed from the Acting Chief Engineer dated April 21, 1923, advising of the commencement of work by Gustin-Morris Contracting Corporation on

April 25, 1923]

416

April 16, 1923, for the construction of column foundations for Section No. 1 of Route No. 52.

567—R. T. 7603

Route No. 52, Section No. 3—Notice by Acting Chief Engineer of Commencement of Work—Filed

A notice was ordered filed from the Acting Chief Engineer dated April 21, 1923, advising of the commencement of work by the Oakdale Contracting Company, Inc. on April 12, 1923, for the construction of Section No. 3 of Route No. 52.

568—R. T. 7427

Contract No. 3—Communication from Interborough Rapid Transit Company Submitting Copies of Contracts for Supply and Delivery of Coal for Period from February 1, 1923 to January 31, 1923—Filed

A communication was ordered filed from the Interborough Rapid Transit Company by H. M. Fisher, Secretary, dated April 21, 1923, transmitting copies of contracts dated January 31, 1923, between the Interborough Rapid Transit Company and the Consolidation Coal Company, Inc., Logan Coal Company and Berwind-White Coal Mining Company for the supply and delivery of bituminous coal for the period from February 1, 1923 to January 31, 1924.

569

Fees Received during March, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of March, 1923, fees, etc., to the amount of \$154.29 and refunds of rental from rapid transit real estate to the amount of \$4,743 had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$154.29 to be accredited to the General Fund of The City of New York, and the sum of \$4,743 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

570

Employees' Resolution No. 139

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—Gertrude Unter, stenographer, at \$90.00 per month, to take effect April 23, 1923.

Appointments under Rule VIII:4—William J. Broderick, junior assistant, at \$125.08 per month, to take effect April 18, 1923; John A. Moran, junior assistant, at \$125.08 per month, to take effect April 17, 1923; Adolph D. Sussman, draftsman, at \$150.08 per month, to take effect April 17, 1923.

Appointment under Rule VIII:10—Harry Stern, junior clerk, at \$60.00 per month, to take effect April 12, 1923.

Rescission of Appointment under Rule VIII:4—Alfred F. Geraci, junior assistant, at \$125.08 per month, to take effect April 11, 1923; Harry Stern, junior clerk, at \$60.00 per month, to take effect April 12, 1923.

Resignation—George E. Tallman, junior assistant, at \$125.08 per month, to take effect April 16, 1923.

Termination of Appointments under Rule VIII:4—Walter F. Cudlipp, draftsman, at \$150.08 per month, to take effect May 11, 1923; Harold H. David, junior assistant, at \$125.08 per month, to take effect May 4, 1923; Frederick W. Greenhut, junior electrical engineer, at \$125.08 per month, to take effect April 27, 1923; James T. Hannigan, junior electrical engineer, at \$125.08 per month, to take effect April 27, 1923; Frank M. Hill, draftsman, at \$150.08 per month, to take effect April 27, 1923; Adolph Lehman, junior electrical engineer, at \$125.08 per month, to take effect April 27, 1923; Lazarus Trommer, draftsman, at \$150.08 per month, to take effect May 11, 1923.

Change of Item in Resolution of April 18, 1923, Concerning Stephen M. Poutier, so as to Read as Follows: (Appointment under Rule VIII:4)—Stephen M. Poutier, draftsman, at \$150.08 per month, to take effect April 20, 1923.

Change of Item in Resolution of April 18, 1923, Concerning Lydia E. Kaufman, so as to Read as Follows: (Leave of absence with pay)—Lydia E. Kaufman, senior clerk, from March 19, 1923, to March 31, 1923.

Change of Item in Resolution of April 18, 1923, Concerning Lydia E. Kaufman, so as to Read as Follows: (Leave of absence without pay)—Lydia E. Kaufman, senior clerk, from April 1, 1923, to December 31, 1923.

Leave of Absence without Pay—Eva Katzin, clerk, from April 8, 1923, to April 29, 1923; Harry Nathan, assistant engineer, from April 16, 1923, to May 6, 1923.

Leave of Absence with Pay—Olga Berger, file clerk, from April 2, 1923, to April 8, 1923.

571

Voucher Schedule No. 17

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct.

Vouchers Nos. 406-416, open market orders, \$2,170.88; Vouchers Nos. 229-231, miscellaneous bills, \$361.48; Voucher No. 9, Special payroll, \$100.00; Vouchers Nos. 63-84, City payroll, \$173,405.78; Vouchers Nos. CM-7 and CM-8, State payroll, \$5,083.32.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 96; Interborough Rapid Transit Company; final estimate for changes to subway structure on west side of Park Avenue and 33rd Street and at St. Nicholas Avenue and 181st Street, under the jurisdiction of the President of the Borough of Manhattan, to February 28, 1923 (R. T. 6315) \$2,786.61;

Voucher No. 97; Alfred R. Sax Lumber Company; approximate estimate No. 7 for the supply of ties and timber, Order No. 7, for the rapid transit railroads of the City of New York from March 1, 1923 to March 31, 1923 (R. T. 7296) \$7,717.95;

Voucher No. 98; Jacob Schlesinger, Inc.; approximate estimate No. 9 for the construction of a second addition to shops at the Lenox Avenue and 148th Street Yard under Contract No. 3, from March 16, 1923 to April 15, 1923 (R. T. 7368) \$4,125.60;

Voucher No. 99; Charles H. Brown & Son Corporation, Assignee; approximate estimate No. 14 for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8 from March 16, 1923 to April 15, 1923 (R. T. 7539) \$2,904.06.

572

Hearings

The following hearings were held:

10:40 A. M.; Case 2682; The Long Island Railroad Company; Application by the City of New York under Section 91 of the Railroad Law for determination as to the manner in which two bridges carrying the Main Drive in Forest Park over the tracks

of the Rockaway Beach Division and the Montauk Division of the Long Island Railroad, shall be altered or changed. George L. Lucas, Acting Chief Executive, presided. Adjourned to May 7th, 1923, at 10.30 A. M.

10:45 A. M.; Case No. 2679; The Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization; George McAneny, Chairman, and LeRoy T. Harkness, Commissioner, presided; adjourned to April 26, 11 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, April 26, 1923

573

Hearing

The following hearing was held:

11 A. M.; Case No. 2679; The Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization; Chairman McAneny and Commissioners Harkness and O'Ryan presided. Adjourned to April 30, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, April 27, 1923

Special Meeting

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

574—R. T. 7146

Route No. 31—Resolution Declaring Ready for Operation Certain Tracks and Inspection Facilities in Livonia Avenue Yard—Approval Resolution

The following resolution was adopted:

Resolved, That, under and in pursuance of the provisions of the contract known as Contract No. 3, dated March 19, 1913, made between the City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, this Commission hereby declares the following tracks and inspection facilities in the Livonia Avenue Yard, located between New Lots Avenue, Linwood Street, Stanley Avenue and Elton Street, at the terminus of the Livonia Avenue Branch of the Eastern Parkway Line, as described in said Contract No. 3, to be ready for operation and use at 12:01 A. M. on April 29, 1923.

Tracks Nos. 8 and 9 from a connection between the northerly end of special work portion 236 (approximate general stationing 473+85) and the southerly end of the yard (approximate general stationing 489+46.5).

Tracks Nos. 4, 5, 6, 7, 10, 11, 12 and 13 from their northerly connections with Tracks Nos. 8 and 9 and with each other to the southerly end of the yard (approximate general stationing 475+45 to 489+46.5).

Tracks Nos. 17, 18, 19 and 20 from their northerly connections with Track 9 and each other to the southerly end of the inspection shed (approximate general stationing 475+31 to 482+81).

All of the inspection shed, except the portion of the building below the railroad level; signal tower, circuit breaker house, service building and oil house within the yard area.

The above tracks and facilities to include all special work, bumpers and appurtenances within the yard area.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, April 30, 1923

575

Hearing

The following hearing was held:

10:45 A. M.; Case 2679; Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization. Commissioner Harkness presided. Adjourned to May 4, 1923 at 10 A. M.

JAMES B. WALKER,
Secretary.

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PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street
Borough of Manhattan, City of New York

Proceedings for Tuesday, May 1, 1923

Present: George McAncny, Chairman; LeRoy T. Harkness, Commissioner,
S. B. Walker, Secretary.

The following matters were presented and action taken as follows:

576—R. T. 7575

**Canal Street Loop—Draft Form of Contract for Construction of Additional En-
trances at Canal Street Station—Resolution Directing Public Hearing be
Held and Notice be Advertised.**

The following resolution was adopted:

Whereas, There is now submitted to the Commission a draft form of proposed
contract for the construction of additional entrances at the Canal Street Station
(Line);
Resolved, That before finally fixing the terms and conditions of proposed con-
tract for the construction of additional entrances at the Canal Street Station (Loop
Line) a public hearing upon the proposed terms and conditions thereof be held on
the 14th day of May, 1923, at the office of the Transit Commission, No. 49 Lafayette
Street, Borough of Manhattan, New York City, at 11:30 o'clock A. M., at which
hearing citizens shall be entitled to appear and be heard, and that notice of such
hearing shall be published in The City Record every day of publication continuously,
beginning and including May 3, 1923 to and including May 17, 1923, and on May 7, 1923
and on May 14, 1923, in The World and The Evening Post, daily newspapers published
in the City of New York, and that such notice shall state that copies of said draft form
of proposed contract may be obtained at the said office of the Transit Commission
upon payment of the fee of One Dollar (\$1.00) for each copy.

577—R. T. 7549, 7639

**Communication "CC"—Communication from Benedetto, Saussez & Bottino Advising
Failure to Comply with Contract Requirements with Respect to Furnish-
ing Security for Making Changes in Subway Structures so as to Permit the
Widening of East 60th Street Between Second and Fifth Avenues—Report
of Chief Engineer Recommending that Contractor be Declared in Default
and that Contract be Awarded to Jacob Schlesinger, Inc., Second Lowest
Bidder, at Bid Price of \$87,642.50—Approval Resolution—Requisition Upon
Board of Estimate and Apportionment for Appropriation of \$89,350.**

Communication was presented from Benedetto, Saussez & Bottino dated April
10, 1923, advising of their inability to furnish security in the sum of \$25,000 as
required under the proposed contract for making changes in the subway structures
in order to permit the widening of East 60th Street between Second and Fifth Avenues
in the communication "CC").

A report was presented from the Chief Engineer dated April 27, 1923, recommending that the contractor be declared in default; that the contract be awarded to Jacob Schlesinger, Inc., second lowest bidder at the bid price of \$87,642.50, and that a requisition be made upon the Board of Estimate and Apportionment for an appropriation of \$89,350.

The following resolution was adopted:

Whereas, Pursuant to a resolution adopted by this Commission on February 27, 1923, the Board of Estimate and Apportionment, by resolution adopted March 23, 1923, consented to the proposed contract between The City of New York, acting by this Commission, and Benedetto Saussez & Bottino for making changes in the subway structures necessitated by the widening of 60th street between Second and Fifth Avenues, in the Borough of Manhattan, the cost of such work to be expended from the authorization made by the said Board of Estimate and Apportionment by resolution adopted on July 19, 1922; and

Whereas, The Corporation Counsel approved said proposed contract (Agreement "CC") as to form and said proposed contract was thereafter delivered to the said contractors for execution and their compliance with the requirements thereof in respect of security, which contractors, by communication dated April 25, 1923, have notified this Commission of their inability to comply with the requirements of said proposed contract as to filing of security in the sum of \$25,000 and that it will be necessary for them to default under said contract; and

Whereas, The Chief Engineer of this Commission, by communication dated April 27, 1923, has reported with respect thereto and has recommended that after declaration of default the said proposed contract be awarded to the second low bidder of the proposals received for said proposed contract on February 26, 1923, to wit, Jacob Schlesinger, Inc., with their bid of \$87,642.50,

Resolved, That said report and recommendation be and the same hereby is approved; that the said Benedetto, Saussez & Bottino be and the same hereby are declared in default in respect of their proposal and contract for the performance of such work and that the certified check in the sum of \$1,000, deposited with their proposal therefor, be and the same hereby is forfeited to The City of New York.

Further Resolved, That the proposal of Jacob Schlesinger, Inc., for the performance of the work under said proposed contract be and the same hereby is accepted and that said proposed contract be and the same hereby is awarded to said Jacob Schlesinger, Inc., subject to its being consented to in form and substance as required by law and that said proposed contract, together with the requisition now submitted by Counsel, be transmitted to the Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

May 1, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board, on March 23, 1923, adopted the following resolution:

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated February 27, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to the contract with Benedetto Saussez and Bottino, for making changes in subway structures necessitated by the widening of 60th Street, between 2nd and 5th Avenues, Borough of Manhattan, at an estimated cost of sixty-two thousand dollars (\$62,000); the cost thereof to be charged to the tax note appropriation authorized by the Board of Estimate and Apportionment on July 19, 1922 (Code NPM-59, Reconstructing Gratings, Vault Lights, etc., along the Curb Line of 60th Street, Between 2d and 5th Avenues, to Permit of the Widening of the Roadway of the Street); all payments in connection with said contract to be made upon vouchers prepared by the Transit Commission and certified by the President of the Borough of Manhattan.

[May 1, 1923

after the said proposed contract referred to was transmitted to the Corporation, who approved it as to form, after which it was delivered to the contractor, Benedetto, Saussez and Bottino for execution and the requirements with the terms of its bid in respect of security which was required in the sum of Twenty-five thousand dollars (\$25,000).

The Chief Engineer of this Commission, in a communication dated April 27, 1923, approved and recommended with respect to this work, in view of the facts which developed subsequent to the action of your Honorable Board, as follows:

On February 27, 1923, the Commission approved my recommendation to award the contract for work under Agreement "CC," changes in subway structure on account of widening the roadway of East 60th Street, Borough of Manhattan, to Benedetto, Saussez & Bottino, the lowest bidder, at \$60,317 and to make a requisition on the Board of Estimate and Apportionment for consent to the proposed agreement and the utilization of \$62,000 of the appropriation of \$1,000,000 made by the Board of Estimate and Apportionment on July 19, 1922 for construction, under the jurisdiction of the President, Borough of Manhattan.

The Board of Estimate approved the award of this contract and consented to the utilization of the \$62,000 for the purpose of this agreement.

A letter dated April 25, 1923 has been received from Benedetto, Saussez & Bottino, copy of which is attached hereto, in which they say that they have not been able to place a bond for \$25,000 required under the proposed agreement.

As Benedetto, Saussez & Bottino are not able to comply with the requirements of the proposed agreement it seems advisable that the contract for the work of this agreement should be awarded to the second lowest bidder, Jacob Schlesinger, Inc. In my letter of February 27, 1923, recommending the award of this contract to Benedetto, Saussez and Bottino, I stated that the price bid by this firm was "uniformly low and considerably below our estimate." The bid by Jacob Schlesinger, Inc. amounting to \$87,642.50 I consider reasonable. This bid is about \$27,000 above the lowest bid, although considerably below our estimate. Jacob Schlesinger, Inc. has completed a contract for station finish, Broadway and Canal Street Stations, Routes Nos. 5 and 20 for the Commission amounting to about \$23,000 and is now carrying out a contract for second Addition to the 148th Street and Lenox Avenue Yard amounting to about \$313,000. The contract for which he was the lowest bidder was the contract for Inspection and Service Buildings, Jerome Avenue Yard, Route No. 16, which was awarded on April 18, 1923, and transmitted to the Board of Estimate on the same date for its approval. All of the work done for us by Jacob Schlesinger, Inc. has been very satisfactory and I consider it a good and responsible contractor.

If this contract were readvertised now it is probable that the bids would be lower than the bid of Jacob Schlesinger, Inc. of February 26, 1923 as prices for labor and material have gone up since that time. In answer to our inquiry, Jacob Schlesinger, Inc., stated that it was willing to stand by its last bid for the work.

In making a request for an appropriation for this work a certain amount should be added to the bid of Jacob Schlesinger, Inc. to cover work to be done by the Operating Company such as changes of lighting within emergency exits effected at cost to the contractor plus 5%, and a considerable amount of work to be done under Item 150 at cost plus 15%, such work consisting of changes in waterproofing, cutting of steel, changes in subsurface structures, and changes in emergency exit covers and ladders. The accurate cost of such work cannot be estimated at the present time, but it is thought that about \$1700 will cover it.

Recommendation: I respectfully recommend that the Commission declare Benedetto, Saussez & Bottino in default under their contract for work under Agreement "CC" and that a communication be sent to the Board of Estimate and Apportionment requesting that it rescind its action of March 23, 1923, approving the award of this contract to Benedetto, Saussez & Bottino, and consenting to utilization of \$62,000 of the appropriation of \$1,116,000 made by the Board of Estimate and Apportionment on July 19, 1922, and I further recommend that the contract for work under Agreement "CC," changes in subway structure on account of widening of roadway of East 60th Street, Borough of Manhattan, be awarded to Jacob Schlesinger, Inc., the second lowest bidder, at its bid figure of \$87,642.50 and that a requisition be made on the Board of

Estimate and Apportionment for consent to said proposed agreement and the utilization of \$89,350. of the appropriation of \$116,000 made by the Board of Estimate and Apportionment on July 19, 1922 aforesaid.

The Transit Commission has approved the foregoing report and recommendation, has declared the said contractors, Benedetto, Saussez & Bottino in default under its said contract and has forfeited the bid deposit of One thousand dollars (\$1,000), their certified check for said amount being transmitted simultaneously herewith to the Department of Finance.

The Transit Commission has accepted the proposal of the second low bidder of the bids received on February 26, 1923, for this proposed contract and has awarded said proposed contract to the said Jacob Schlesinger, Inc., subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to rescind the resolution of March 23, 1923, hereinbefore set forth and to consent to the proposed contract for the performance of the work of making changes in subway structures necessitated by the widening of 60th Street between Second and Fifth Avenues in the Borough of Manhattan, being entered into with Jacob Schlesinger, Inc. in accordance with their bid of Eighty-seven thousand six hundred and forty-two dollars and fifty cents (\$87,642.50) and to set aside from the appropriation of One hundred sixteen thousand dollars (\$116,000), made as aforesaid on July 19, 1922, the sum of Eighty-nine thousand three hundred fifty dollars (\$89,350) being the amount estimated to meet the City's obligations under said proposed contract.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

578—R. T. 7519

Contract No. 1—Certificate by Chief Engineer of Completion of Changes in Subway Structure so as to Provide for Rearrangement of Curb Lines at Northeast Corner of Columbus Circle and Broadway—Resolution Accepting Work and Directing that Certificate be Filed with Comptroller and President of Borough of Manhattan

The following certificate was approved:

April 28, 1923.

To: TRANSIT COMMISSION

Certificate of Completion—Changing subway structure at 59th Street

In connection with the agreement dated August 14, 1922 between the City of New York, acting by the Transit Commission, and Interborough Rapid Transit Company for changing the subway structure at 59th Street in order to make possible the rearrangement of the curb lines at the northeast corner of Columbus Circle and Broadway under the jurisdiction of the President, Borough of Manhattan, I hereby certify that the work was completed in accordance with the provisions of said agreement. The cost of the work was \$7,658.05.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission by communication dated April 28, 1923 has reported that all the work required under the agreement dated August 14, 1922 between The City of New York acting by the Transit Commission and Interborough Rapid Transit Company for changing the subway structure at 59th Street in order to make possible the rearrangement of the curb lines at the northeast corner of Columbus Circle and Broadway under the jurisdiction of the President of the Borough of Manhattan, has been in all respects completed in accordance with the provisions of said agreement; that the total cost of the work was \$7,658.05 and recommends that such work be accepted and that a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of The City of New York and to the President of the Borough of Manhattan,

Resolved, That said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of The City of New York and to the President of the Borough of Manhattan.

579—R. T. 7544

Fourth Avenue Subway—Report by Chief Engineer Recommending Release of Checks in Sum of \$742.63 Deposited by M. I. Sachs as Guarantee for Satisfactory Completion of Sidewalk Replacement on Fulton Street between Flatbush Avenue Extension and Hudson Avenue, Borough of Brooklyn—Approval Resolution

A report was presented from the Chief Engineer dated April 27, 1923, as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of this Commission has, by communication dated April 27, 1923, reported and recommended as follows:

"Under the terms of the Agreement with M. I. Sachs for replacing the sidewalk on Fulton Street between Flatbush Avenue Extension and Hudson Avenue which Agreement was signed on November 14, 1922, the Contractor deposited as a guarantee for the satisfactory completion of the work two certified checks in the amount of \$742.63. The Agreement provided that this security should be returned to the Contractor upon the making of the final payment, which payment was to be made forty (40) days after the acceptance of the work on March 13, 1923. The forty (40) days having expired on April 23rd, it is therefore proper to return to the Contractor the security which he deposited.

Recommendation: I recommend that the certified checks in the amount of \$742.63 deposited by M. I. Sachs as a guarantee for the satisfactory completion of sidewalk replacement on Fulton Street between the Flatbush Avenue Extension and Hudson Avenue be released.

Resolved, That the said report and recommendation be and the same hereby is approved; that the Secretary of this Commission be and hereby is authorized and directed to take all action as is necessary to effect the approval of said report and recommendation herein given.

580—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Purchase of Parts for 100 Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated January 18, 1923, requesting approval of a proposed purchasing agent's order directed to National Pneumatic Company for the manufacture and delivery of certain parts to be installed on 100 new steel trailer cars at a total cost of \$43,590.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated March 17, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, The Transit Commission, on July 6, 1922, adopted an order approving Interborough Equipment Trust Series 'A' in respect of the Service Order "B" made by the Transit Commission on May 2, 1922 in Case No. 2627 and approved the petition of June 23, 1922 of Interborough Rapid Transit Company for the purchase of 100 trailer cars, subject to the terms and conditions set forth in said order so adopted July 6, 1922; and

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between the City of New York and said Interborough Rapid Transit Company, this Commission, by resolution adopted on August 8, 1922, assigned to the unit of purchasing and installation 100 steel trailer cars Work Order No. IBA-3; and

Whereas, Pursuant to the said Contract No. 3 and said order of July 6, 1922 and the

said proposed contract approved by said resolution of August 8, 1922 Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated January 18, 1923 directed to National Pneumatic Company for the manufacture and delivery of the following:

200	Controllers, trailer, car door unit, complete as per item 3, on Spec. 95-D and B/P 9895-A. Price: \$32.50 each.....	\$6,500.00
200	Switches, car door control cutout, complete as per item 8 on Spec. 95-D and B/P 9370-B. Price: \$50.90 each.....	10,180.00
200	Controllers, R. H. Master door, complete, as per item 12 on Spec. 95-D and B/P 9892-A. Price: \$30.00 each.....	6,000.00
200	Controllers, L. H. master door, complete, as per item 12 on Spec. 95-D and B/P 9893-A. Price: \$30.00 each.....	6,000.00
200	Cylinders, door lock, with magnet valve, complete as per item 13 on Spec. 95-D and B/P 9885-A. Price: \$22.50 each.....	4,500.00
400	Contacts, R.H. door sliding, complete as per item 14 on Spec. 95-D, and B/P 9886-A. Price: \$8.35 each.....	3,340.00
200	Contacts, L.H. door sliding, complete as per item 14 on Spec. 95-D, and B/P 9887-A. Price: \$8.35 each.....	1,670.00
200	Relays, door lock, complete, as per item 15 on Spec. 95-D. B/P 9890-A. Price: \$27.00 each.....	5,400.00

Total \$43,590.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 460"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated March 17, 1923 reported that such equipment is necessary for the completion of said 100 trailer cars and is according to the best engineering practice; that the prices are reasonable and the best obtainable and that the following bids were received for said material:

National Pneumatic Co.....	\$43,590
Columbia Machine Works & Malleable Iron Co.....	36,380
Westinghouse Electric & Mfg. Co.....	50,550
Consolidated Car Heating Co.....	No bid
General Electric Co.....	No bid

and recommend that said proposed purchasing agent's order be approved.

Resolved, That said report and recommendation be and the same hereby are approved and that pursuant to the provisions of said orders of July 6, 1922 and August 8, 1922 aforesaid and to the provisions of said Contract No. 3 this Commission do and hereby does approve said purchasing agent's order and that the Chairman of this Commission be and hereby is directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

581—R. T. 6761, 7224

Contract No. 3—Communication from Interborough Rapid Transit Company Requesting Approval of Purchase of Two Induced Draft Fans to be Installed in Connection with New Boilers for 59th Street Power House—Approved

The following communication was presented from the Interborough Rapid Transit Company and upon motion, duly seconded and adopted, the request was approved:

April 25th, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Dear Sirs:

As a part of the equipment of the four (4) new boilers which are about to be installed at the 59th Street Power Station, it will be necessary to purchase two (2) inducted draft fans.

We now have in operation at 59th Street sixteen (16) induced draft fans, two (2) of which were furnished by the B. F. Sturtevant Co. and have incorporated in them special features designed to eliminate cinders from the stack gases. The B. F. Sturtevant Co. make the only fan having such a feature. Our Engineers advise me

[May 1, 1923

the two (2) Sturtevant fans now in operation do eliminate approximately 70 per cent. of the cinders in the gases passing through them and they are of the opinion this type of fan should be installed in connection with the new boilers.

I approve of this recommendation, in view of the fact that there does not appear any other device available for the purposes which will suit our conditions, and the company is prepared to install these fans, notwithstanding that their cost is \$7,960 as compared with a cost of \$1,815, for a fan without the cinder eliminating device.

I would request, therefore, that you signify your approval of this course in connection with the preparation of the contracts.

Yours truly,
FRANK HEDLEY,
President and General Manager.

582

Transit Railroads—Communication from Board of Estimate and Apportionment Submitting Copy of Communication from Commissioner of Health with Respect to Overcrowding of Existing Transit Facilities—Copy of Reply Approved.

The Chairman presented the following communication from the Board of Estimate and Apportionment:

(Cal. No. 51)

April 20, 1923.

TRANSIT COMMISSION,
110 West 116th Street,
New York City.

I transmit herewith copy of a communication dated March 26, 1923, from the Commissioner of Health, stating that the overcrowding and congestion that result from the present transit facilities are factors in the spreading of disease and undoubtedly constitute a grave menace to the health of the community, and urging that steps be taken to remedy the existing conditions.

At the meeting of the Board of Estimate and Apportionment on April 20, 1923, the matter was referred to the Transit Commission.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

The following copy of the reply was approved:

April 30, 1923.

BOARD OF ESTIMATE AND APPOINTMENT,
110 West 116th Street,
New York City.

I am directed by the Transit Commission to acknowledge receipt of your letter of April 20th inst., signed by the Assistant Secretary of your Board, and transmitting herewith a communication dated March 26 from the Commissioner of Health, with respect to the overcrowding and congestion resulting from the failure to provide for the extension of existing rapid transit lines, or for the proper increase of transit equipment facilities.

I am
Very respectfully yours,
JAMES B. WALKER,
Secretary.

583—Case 1689

New York Railways Company—Receiver—Smoking on Low Level, Center Entrance Cars—Approval Order

The Secretary presented an application dated April 25, 1923, by the General Manager for the Receiver of the New York Railways Company, to be permitted

to allow smoking on the circular seat in the rear of low level center entrance cars and on one seat on each side of the car immediately in front of such circular seat for and during a period of not less than five months from May 1st during the time the windows of such low level center entrance cars are removed.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 1689 approving the application.

584—Case 1505

New York Consolidated Railroad Company et al.—Destination Signs on Cars in Service on Elevated Lines—Amendatory Order Adopted

The Secretary presented a report, dated April 23, 1923, from the Chief of the Transit Bureau, approved by the Acting Chief Executive Officer, recommending that the order in Case No. 1505 be amended in certain particulars.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 1505, reading as follows:

At a meeting of the Transit Commission held at its office, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 1st day of May, 1923.

Present:

GEORGE McANENY, }
Chairman, } COMMISSIONERS
LE ROY T. HARKNESS, }

IN THE MATTER
of the

Hearing on the motion of the Commission on the question of changes in the regulations, practices and service of New York Consolidated Railroad Company, Nassau Electric Railroad Company and South Brooklyn Railway Company.

CASE No. 1505
AMENDATORY ORDER

Destination signs in cars in service on elevated lines.

An order having been made in this case on July 30, 1914, and the New York Consolidated Railroad Company, the Nassau Electric Railroad Company, and the South Brooklyn Railway Company having made application for a modification of said order, and an order having been made on September 15, 1914 amending said order of July 30, 1914, and an order having been made on June 8, 1915 amending said order of July 30, 1914 as amended, and an order having been made June 22, 1915 further amending said order of July 30, 1914 as amended, and an order having been made on July 9, 1915 further amending said order of June 22, 1915 as amended, and it appearing that the New York Consolidated Railroad Company has succeeded to the operation of all service previously operated subject to this order by the Nassau Electric Railroad Company and by the South Brooklyn Railway Company:

Ordered, That said order of July 30, 1914 as amended by said order of September 15, 1914, and said order of June 8, 1915, and said order of June 22, 1915, and said order of July 9, 1915 be, and the same hereby is further amended as to the directory portion thereof, so as to read as follows:

Ordered, That all cars now equipped with holders for line or destination signs, and every motor car operated by said New York Consolidated Railroad Company or the Receiver thereof, shall display when in service proper line and destination signs, and that all trains composed of the old type elevated cars operated by said company of the Receiver thereof, shall also display when in service proper dash destination signs, and it is further ordered:

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1. Special trains, such as trains to baseball games, motordrome and places of like character carrying white flags, shall be exempt from requirements as to signs.

2. Trains or cars of the old elevated type diverted from one line to another for emergency or shop purposes shall not be required to display signs.

3. On Sundays and holidays, when the entire available equipment of the Southern Division is insufficient to care for the business on that division and it is necessary to operate therein trains or cars ordinarily operated on the Eastern Division, the cars or trains of the old elevated type so diverted shall not be required to carry signs.

4. When in an emergency it becomes necessary to turn back cars before trains reach their scheduled destination, it shall not be deemed a violation of this order if such cars or trains do not display proper destination signs, and further Ordered, That this order shall take effect forthwith, and that within days after service of this order, the New York Consolidated Railroad Company Receiver thereof, shall notify the Commission whether this order is accepted and to be obeyed.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

585—Cases 2182, 2218, 2306, 2662

Interborough Rapid Transit Company—Application for Authority to Issue Notes and Pledge Bonds—Communication from Frank Hedley, President and General Manager, Relative to New Equipment Trust Agreement and Lease—Communication Approving Changes

The Secretary presented the following communication, dated April 27, 1923, from Frank Hedley, President and General Manager of the Interborough Rapid Transit Company:

JAMES B. WALKER,
Secretary, TRANSIT COMMISSION,
110 West 42nd Street, New York City.

The Commission, on March 15, 1923, adopted an Order modifying its Order of March 15, 1922, approving the issuance of \$1,400,000 of Interborough Equipment Trust Certificates, Series "A." On March 19, 1923, Mr. Norton of this Company's law firm conferred with Chairman McAneny and advised him that it was proposed to execute and deliver a new Equipment Trust Agreement between Rapid Transit Construction Company, Vendor, The New York Trust Company, Trustee, and Interborough Rapid Transit Company, and a new Equipment Trust Lease between The New York Trust Company, Trustee, and Interborough Rapid Transit Company; each to be effective as of March 15, 1923 and each to be in substitution for the like indentures executed by the same parties dated July 15, 1922. It was pointed out to the Chairman that the purposes intended to be accomplished by the execution of the new documents

(a) A change of date in the Equipment Trust Certificate so as to make the date of their issue March 15, 1923, instead of November 15, 1922, with corresponding changes in maturity dates and in dividend dates; and

(b) The insertion of appropriate language permitting the Pullman Company, its nominee, to deposit with the Trustees (prior to the first delivery of any certificates) the sum of \$600,000, in cash, and thereupon to have delivered to it, or on its order, the \$600,000, principal amount of certificates which were originally intended to be reserved by the Trustee for delivery to the Pullman Company as means of partial payment, at the rate of \$6,000, per car, for each car body with such certificates delivered.

Chairman McAneny expresses his approval of these changes and of the business involved. New indentures have been executed and copies thereof filed in the office of the Secretary of State. I am informed that the Secretary of this Company is sending copies to you for your files, together with copies of satisfaction piece covering the same by The New Trust Company, covering the indentures of July 15, 1922, which have been filed in the office of the Secretary of State.

The specific changes made in the new indentures as compared with the indentures of July 15, 1922 are as follows:

1. Wherever necessary the dates of the indentures and dates of certificates, interest payments thereon and maturity thereof, have been changed to conform to the new situation.

Agreement reference being made to the agreement of July 15, 1922.

2. Page 1, line 10 from the bottom, "proposes to" has been changed to "has" and "enter" has been changed to "entered." Page 2, line 5 from the top, "or contracts" has been stricken out, and "provide" has been changed to "provides".

3. Page 3, lines 1, 2 and 3, the words "that as promptly as may be it will enter into the contract or contracts with the Pullman Company as herein above recited, and" have been stricken out.

4. Page 7, after the tenth line from the top the following has been inserted:

"The foregoing provisions of this Article contemplating the reservation by the Trustees of \$600,000. par value of the certificates herein provided for and the issuance and delivery of such reserved certificates to the Pullman Company in the manner and at the times above specified shall be inapplicable if, prior to the time of the first delivery of car bodies (including trucks therefor) by the Pullman Company, there shall have been deposited with the Trustee by or for said Pullman Company the sum of \$600,000. in cash. In the event that the Trustee shall have received in cash prior to such delivery the aggregate sum of \$1,866,250. the Trustee will thereupon issue certificates of the aggregate par value of \$1,400,000. of which \$600,000. par value shall be delivered upon and according to the order of the Pullman Company. Said \$600,000. shall be held by the Trustee in trust to be applied to the payment to the extent of such fund, of the cost of the construction and equipment of said cars. The payments herein provided to be made by the Trustee to the Pullman Company shall in such case be made in cash at the rate of not exceeding the sum of \$7,450. for each car body (including trucks therefor) instead of in certificates at the rate of \$6,000. and cash at the rate of not exceeding \$1,450 per car body (including trucks therefor)."

Lease, reference being made to the Lease of July 15, 1922.

5. Page 3, in the last two lines, and on page 4, in the first two lines, the following has been stricken out: "by the issue of the Trustee of \$600,000. par value of certificates and the payment by the Trustee of \$800,000. of cash deposited or caused to be deposited with it by the Vendor".

6. Page 9, 11th line from the top the word "from" between "and" and "the" has been changed to "for".

If your Commission deem it necessary to formally approve these changes, will you be good enough to have such approval evidenced by appropriate action.

Yours very truly,

(Signed) FRANK HEDLEY,
President and General Manager.

Thereupon, the changes referred to in the foregoing letter were approved and the said letter was ordered spread upon the minutes of the meeting.

586—Case 2679

Brooklyn Rapid Transit Railroad Company et al.—Application of Stockholders' Committee for Approval of Reorganization Plan—Supplemental Application No. 1 for Approval of Plan of Readjustment—Filed

The Secretary presented a communication, dated April 30, 1923, of the Committee under the Reorganization Plan of Stockholders of the Brooklyn Rapid Transit Company et al. asking for the approval of Supplemental Application No. 1, authorizing the reorganization of the New York Consolidated Railroad Company and the New York Municipal Railway Corporation, and further authorizing the amount of capitalization of the new rapid transit company; the issue of First and Refunding Mortgage Bonds not to exceed \$50,000,000 at any one time, to refund an equal principal amount of underlying

Mortgage Bonds of the Kings County Elevated Railroad Company; and further authorizing an issue of Refunding Mortgage Bonds limited to such total authorized amount at any one time outstanding as the Commission might determine; and further authorizing an issue of not exceeding 189,000 shares of common capital stock without interest or par value.

Whereupon the above mentioned Supplemental Application No. 1, was ordered filed in the Case No. 2679-A in Case No. 2679.

587—R. T. 6407, 7601, 7602, 7603

Route No. 52—Report by Chief Engineer Stating no Provision has Been Made for Gauntlet Track in Design of Structure for Flushing Extension—Filed

A report was ordered filed from the Chief Engineer, dated April 27, 1923, stating in accordance with oral instructions no provision has been made for gauntlet track in the design of the structure for the Flushing Extension and that contract drawings for the supply and erection of steel for Section No. 1 of Route No. 52 have been issued on such basis and that working drawings for Section No. 3 of Route No. 52 have also been issued on such basis.

588—R. T. 7191

Route No. 33, Section No. 3—Communication from Acting Corporation Counsel Transmitting an Original Deed of Grant and Release Involving the Fee of a Portion of Montague Street, Borough of Brooklyn—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, transmitting an original deed of grant and release dated September 7, 1922, from the Brooklyn Trust Company to The City of New York involving the fee of a portion of Montague Street in connection with the construction of the Whitehall Street-Montague Street Line, which deed was recorded in the office of the Register of Deeds of Kings County, Liber 4195, Page 218 of Conveyances, Section No. 1, Block No. 244, on the 20th day of October, 1922.

589—R. T. 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Submitting Copy of Contract for Construction of Foundations and Super-Structure for Substation No. 27—Filed

A communication was ordered filed from the Interborough Rapid Transit Company dated April 23, 1923, transmitting a copy of a contract dated March 5, 1923, with Charles A. Henderson for the construction of the foundations and super-structure, inclusive of the structural metal work for Substation No. 27, at No. 8909 Roosevelt Avenue, Elmhurst, Borough of Queens.

590

Employees' Resolution No. 140

On motion, duly seconded, the following resolution was unanimously adopted:
Resolved, That this Commission takes the following action with reference to the employees:

Appointments—Leon A. Humphrey, draftsman, at \$150.08 per month, to take effect May 1, 1923; Morris Roberts, draftsman, at \$150.08 per month, to take effect April 30, 1923; Lazarus Trommer, draftsman, at \$150.08 per month, to take effect May 1, 1923.

Appointments under Rule VIII:4—William J. Foster, junior assistant, at \$125.08 per month, to take effect April 25, 1923; Harry Garfinkel, draftsman, at \$150.08 per month, to take effect April 30, 1923; Hyman Needle, junior assistant, at \$125.08 per month, to take effect April 26, 1923; Louis Seufert, draftsman, at \$150.08 per month, to take effect April 30, 1923; David Stone, architectural draftsman, at \$150.08 per month, to take effect April 24, 1923.

Reinstatement under Rule XVI:1—Harry R. Gingher, inspector of steel, at \$200.00 per month, to take effect May 7, 1923.

Resignations—Henry Gewirtz, bookkeeper, at \$112.50 per month, to take effect April 30, 1923; James J. Kincaid, clerk, at \$128.08 per month, to take effect June 13, 1923; Meyer Loonin, draftsman, at \$150.08 per month, to take effect May 7, 1923; James C. Lovely, engineering inspector, at \$150.08 per month, to take effect April 24, 1923.

Termination of Appointments under Rule VIII:4—Fred Adinolfi, architectural draftsman, at \$150.08 per month, to take effect April 17, 1923; Leon A. Humphrey, draftsman, at \$150.08 per month, to take effect April 30, 1923.

Change of Item in Resolution of April 25, 1923, Concerning Walter F. Cudlipp and Lazarus Trommer, so as to Read as Follows (Termination of Appointments under Rule VIII:4)—Walter F. Cudlipp, draftsman, at \$150.08 per month, to take effect May 4, 1923; Lazarus Trommer, draftsman, at \$150.08 per month, to take effect April 30, 1923.

Leaves of Absence with Pay—Charles Lahr, junior engineer, from April 4, 1923, to April 11, 1923, from May 4, 1923 to May 11, 1923, and from June 4, 1923, to June 11, 1923; George Donnelly, transit inspector, from March 6, 1923, to April 1, 1923; Mildred Kaufman, accountant, from March 13, 1923, to March 16, 1923; Harriet Lynch, telephone operator, from April 10, 1923, to April 16, 1923; Mildred Shapiro, stenographer, from March 17, 1923, to April 2, 1923.

Leaves of Absence without Pay—Edna Holmgren, stenographer, from June 17, 1923, to August 26, 1923; Charles Lahr, junior engineer, from April 12, 1923, to May 3, 1923, from May 12, 1923, to June 3, 1923, and from June 12, 1923, to July 3, 1923.

591

Voucher Schedule No. 18

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 417-455, open market orders, \$3,296.99; Vouchers Nos. 232-241, miscellaneous bills, \$8,900.88.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 100, Interborough Rapid Transit Company; final estimate for changing the subway structure at 59th Street in order to rearrange curb line at Columbus Circle and Broadway to March 31, 1923 (R. T. 7519) \$356.96;

Voucher No. 101, Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 2 for the construction of foundations for third addition to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from March 21, 1923 to April 30, 1923 (R. T. 7589) \$20,944.89;

Voucher No. 102, Station Finish Corporation, Assignee; approximate estimate No. 9 for construction of station finish on Sections Nos. 3, 4, and 5 of Route No. 8, from April 1, 1923 to April 30, 1923 (R. T. 7516) \$12,744.17;

Voucher No. 103, Bradley Contracting Company; Certificate for construction of Section 11 of Route 5 of the Lexington Avenue Rapid Transit Railroad (R. T. 6211) \$23,832.53;

Voucher No. 104, Bradley Contracting Company; Certificate for the construction of Section 10 of Route No. 5 of the Lexington Avenue Rapid Transit Railroad (R. T. 6210) \$19,820.83;
 Voucher No. 105; Lindley M. Garrison, Receiver, New York Consolidated Railroad Company and New York Municipal Railway Corporation; approximate estimate No. 3 for installing tracks including special work at and near Queensboro Plaza station, from February 1, 1923 to February 28, 1923 (R. T. 7585) \$8,456.34.

592

Upon motion, duly seconded and adopted, the meeting was adjourned to Thursday, May 3, 1923.

 JAMES B. WALKER,
 Secretary.

Proceedings for Wednesday, May 2, 1923

593

Hearing

The following hearing was held:

2:45 P. M.; Case 2683; The Concourse Bus Line, Inc.; Application for permission and approval of operation under franchise contract and for certificate of convenience and necessity for the operation of bus lines, in the Boroughs of Manhattan and The Bronx.

Commissioner O'Ryan presided. Hearing closed.

 JAMES B. WALKER,
 Secretary.

Proceedings for Thursday, May 3, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

594—Case 2683

The Concourse Bus Line, Inc.—Application for Certificate of Convenience and Necessity for Operation of Bus Lines in the Boroughs of Manhattan and The Bronx—Opinion by Commissioner O'Ryan—Resolution Authorizing Order Granting Permission to Exercise Franchise and Execution of Certificate—Approved

The Secretary presented an Opinion by Commissioner O'Ryan in Case No. 2683, recommending the granting of the application of The Concourse Bus Line, Inc., for a certificate of public convenience and necessity for the operation of bus lines in the Boroughs of Manhattan and The Bronx.

Thereupon, the above mentioned Opinion in Case No. 2683, was approved and a resolution in Case No. 2683, was adopted, authorizing the execution of a certificate of

public convenience and necessity as asked, and the granting of permission to The Concourse Bus Line, Inc., to exercise the franchise granted to it by The City of New York, dated May 1, 1923.

Further, thereupon, the Commission adopted and ordered filed an Order in Case No. 2683, granting permission to The Concourse Bus Line, Inc., to exercise said franchise, dated May 1, 1923, over the streets, avenues and highways, in the Boroughs of Manhattan and The Bronx, therein described.

The Chairman and the Secretary of the Commission thereupon executed the certificate of public convenience and necessity as authorized by the foregoing resolution.

JAMES B. WALKER.
Secretary.

Proceedings for Friday, May 4, 1923

595

Hearing

The following hearing was held:

10:15 A. M.; Case 2679; Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization. Chairman McAneny and Commissioners Harkness and O'Ryan presided.

Adjourned to May 7, 1923, at 10:30 A. M.

JAMES B. WALKER.
Secretary.

Proceedings for Monday, May 7, 1923

596

Hearing

The following hearing was held:

10:30 A. M.; Case 2679; The Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization. Commissioners Harkness and O'Ryan presided. Adjourned to May 9, 1923 at 10 A. M.

597

Hearing

The following hearing was scheduled:

10:30 A. M.; Case 2682; Long Island Railroad Company; Application of The City of New York for a determination as to the manner in which two bridges carrying the main drive in Forest Park over the tracks of the Rockaway Beach Division and the Montauk Division shall be altered or changed.

Adjourned by direction of the Commission to May 14, 1923 at 10:30 A. M.

JAMES B. WALKER.
Secretary.

Proceedings for Tuesday, May 8, 1923

Present: George McAneny, Chairman, LeRoy T. Harkness, John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted.

598—R. T. 7601

Route No. 52, Section No. 1—Receipt of Bids for Furnishing and Erecting Structural Steel for Part of Flushing Extension—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for furnishing and erecting structural steel for Section No. 1 of Route No. 52, part of the Flushing Extension, had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box, which had been provided for the deposit of such bids and to read the bids received.

The Secretary presented the proper affidavits of publication and opened the box and read the seven bids received.

The bids were then referred to the Chief Engineer.

599—R. T. 7601

Route No. 52, Section No. 1—Resolution Authorizing Release of Checks to all but Lowest and Next to Lowest of Bidders for Furnishing and Erecting Structural Steel for Part of Flushing Route—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on May 8, 1923, for furnishing and erecting structural steel for Section No. 1 of Route No. 52, part of the Flushing Route, the Secretary be and he hereby is authorized and directed to return to all but the lowest and next to lowest of the bidders, the certified checks in the sum of Five thousand (\$5,000) Dollars, deposited with their bids.

600

Expenses—Resolution Authorizing Requisition upon Board of Estimate and Apportionment for Appropriation of \$1,000,000 for Expenses for Year Ending December 31, 1923—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

Resolved, That the Chairman and the Secretary of the Transit Commission be, and they hereby are, authorized in the name and in behalf of said Commission to make a certificate to and a requisition on the Board of Estimate and Apportionment for the sum of One Million Dollars (\$1,000,000), in the following form, to wit:

"Requisition is hereby made upon you, pursuant to the provisions of Chapter 134 of the Laws of 1921, by the Transit Commission, for the sum of One Million Dollars (\$1,000,000), which sum said Transit Commission hereby certifies as necessary, on account, to properly enable it to do and perform, or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by said law.

"Appended hereto is a certified copy of a resolution of the Commission authorizing the execution of the certificate and requisition.

"In witness whereof, the Transit Commission has caused this requisition to be signed by its Chairman and its Secretary and its official seal to be hereto affixed this 8th day of May, 1923."

May 8, 1923]

436

The requisition upon the Board of Estimate and Apportionment was as follows:

May 8, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Requisition is hereby made upon you, pursuant to the provisions of Chapter 134 of the Laws of 1921, by the Transit Commission, for the sum of One Million Dollars (\$1,000,000), which sum said Transit Commission hereby certifies as necessary, on account, to properly enable it to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by said law.

Appended hereto is a certified copy of a resolution of the Commission authorizing the execution of the certificate and requisition.

In witness whereof, the Transit Commission has caused this requisition to be signed by its Chairman and its Secretary and its official seal to be hereto affixed this 8th day of May, 1923.

Very truly yours,

TRANSIT COMMISSION,

GEORGE McANENY,

Chairman.

Attest:

JAMES B. WALKER,
Secretary.

The communication to the Board of Estimate and Apportionment was as follows:

May 8, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, in pursuance of a resolution, adopted at its meeting of May 8, 1923, transmits to you herewith, and as a part hereof, a requisition in the sum of One Million Dollars (\$1,000,000), which is the amount requisite and necessary, on account, to enable the said Transit Commission to do and perform or cause to be done and performed, the duties prescribed for it by Chapter 134 of the Laws of 1921, and to provide, on account, for the expenses and compensation of the employees of the said Commission for the year ending December 31, 1923.

Such funds are necessary for the carrying on of the supervision of outstanding construction contracts and of contracts now before your Board for approval, the preparation of contract and detailed plans preliminary to the letting of contracts for the construction of the remaining portions of the lines embraced in the Dual Rapid Transit System, the legalization of additional rapid transit routes, the supervision of plans and contracts of the operating companies under the Dual System, the acquisition of real estate and other rights incident to rapid transit construction, the preparation, negotiation and installation of the statutory plan for the rehabilitation of transit facilities within the City, including the valuation and appraisal of all transit properties, the regulation of transit operation within the City and for the performance of other duties imposed on the Commission by statute.

While the duties imposed upon the Commission by statute are so varied that a precise determination of its financial need for the balance of the year cannot be made, nor an exact division of the amount now requisitioned as between construction, regulation and the development of the statutory plan of reorganization attempted, an approximation, figured as closely as possible, shows that of the amount requisitioned 80% will be expended upon the work incident to construction, 10% upon regulation and the duties incident thereto, and the remaining 10% on account of the plan of reorganization, including the appraisal and valuation of properties, legal expense, etc. The accounts of the Commission are kept in such manner that an exact distribution of expenditure as between the three divisions of its work referred to will be made and recorded as the year proceeds.

Very truly yours,

TRANSIT COMMISSION,

By GEORGE McANENY,

Chairman.

601—R. T. 7601

Route No. 52, Section No. 1—Report by Chief Engineer as to Receipt of Bids for Furnishing and Erecting Structural Steel for Part of Flushing Line and Recommendation for Award of Contract to McClintic-Marshall Company at Bid Price of \$679,838.80—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

May 8, 1923.

TO: TRANSIT COMMISSION.

Award of contract, Route No. 52, Section No. 1, Flushing Route, furnishing and erecting structural steel to McClintic-Marshall Co.

On May 8, 1923, the following seven (7) bids were received for work under contract for that portion of Flushing Route known as Section No. 1 of Route No. 52, for furnishing and erecting structural steel:

<i>Name</i>	<i>Address</i>	<i>Amount</i>
McClintic-Marshall Co.	50 Church St., N. Y. City	\$679,838.80
Post & McCord	161 Park Avenue, N. Y. City	698,010.00
The Phoenix Bridge Co.	30 Church Street, N. Y. City	705,330.00
The Jobson-Gifford Co.	30 East 42nd Street, N. Y. City	705,865.00
Bethlehem Steel Co. Inc.	25 Broadway, N. Y. City	741,320.00
Harris Structural Steel Co., Inc.	1480 Broadway, N. Y. City	752,895.00
Oakdale Contg. Co., Inc.	93 Amity St., Flushing, L. I. City	771,180.00

Our estimate for this work was \$654,205.

This is the same contract for which we previously received bids on December 14, 1922, and for which the lowest bidder at that time was the Phoenix Bridge Co., whose bid amounted to \$615,880. This bid was approved and submitted to the Board of Estimate on December 19, 1922. It was, however, returned by that Board to the Commission on January 5, 1923, and later the Phoenix Bridge Co. withdrew its bid. The bid by the McClintic-Marshall Co. is \$63,958.80 higher than the low bid received December 14, 1922. This difference, however, does not represent the entire difference in cost for doing the work as the quantities of steel contained in the last bid was 6,000 tons while the quantity of steel contained in the bid of December 14, 1922, was 7,050 tons. If the prices received in the bid today were applied to the quantities contained in the bid of December 14, 1922, the cost of the work based on these quantities would have been \$794,288.80. The difference between this amount and the amount of the last bid received at that time would be \$178,408.80, which really is the measure of the difference in cost between the two bids. The great difference in cost is due to the fact that the bid received today for steel, the main item in the contract, was \$109 per ton, whereas that received last December was \$84.40 per ton.

The reduction in quantity of steel is due to the elimination of two of the approach tracks of the proposed Corona Yard and the omission of any provision for gantry tracks.

The McClintic-Marshall Co., the lowest bidder, is one of the best known structural steel firms in the country—of a recognized high financial and technical standing. This Company has been awarded the contract for furnishing and erecting steel for Third Addition to Shops—Lenox Avenue and 148th Street Yard, which contract was delivered March 27, 1923. Due to the present conditions of the steel market I consider the prices in the McClintic-Marshall bid reasonable.

Attached I send you herewith copy of minutes of a conference with a representative of the McClintic-Marshall Co.

Recommendation: From an engineering standpoint I respectfully recommend that the contract for furnishing and erecting structural steel for that portion of the Flushing Route known as Section No. 1 of Route No. 52, be awarded to the lowest bidder, McClintic-Marshall Co., at its bid price of \$679,848.80, and that a requisition be made on

the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for furnishing and erecting structural steel for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, was heretofore finally adopted and subsequent to readvertisement duly made bids respectively totalling as follows were received on May 8, 1923:

McClintic-Marshall Company.....	\$679,838.80
Post & McCord.....	698,010.00
The Phoenix Bridge Company.....	705,330.00
The Jobson-Gifford Company.....	705,865.00
Bethlehem Steel Company, Inc.....	741,320.00
Harris Structural Steel Co., Inc.....	752,895.00
Oakdale Contracting Co., Inc.....	771,180.00

; and

Whereas, The Chief Engineer of this Commission, by communication dated May 8, 1923, has reported that the amount of said low bid is reasonable and that the said McClintic-Marshall Company is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$679,838.80, the amount estimated to be necessary to carry out said proposed contract on the part of the City.

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of McClintic-Marshall Company be and the same hereby is accepted and that the said proposed contract for furnishing and erecting structural steel for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, be and hereby is awarded to said McClintic-Marshall Company, subject to its being consented to in form and substance as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$679,838.80, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

May 8, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The proposed contract for furnishing and erecting structural steel for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, was finally adopted November 28, 1922, and pursuant to public advertisement bids were received therefor on December 14, 1922, the low bidder being the Phoenix Bridge Company. Under date of December 19, 1922, the Transit Commission transmitted said proposed contract, together with a requisition upon your Honorable Board, for the appropriation of the amount of the low bid, to wit, the sum of Six hundred fifteen thousand eight hundred eighty dollars (\$615,880), having awarded said proposed contract to said low bidder subject to its being approved and consented to in form and substance as required by law. At the meeting of your Honorable Board on January 5, 1923, said proposed contract was referred back to the Transit Commission without action by your Board. Under date of January 29, 1923, the said Phoenix Bridge Company, exercising its right under the law, withdrew its bid.

The Transit Commission has readvertised said proposed contract upon the basis of reduced quantities and bids were received therefor on May 8, 1923, respectively totalling as follows:

McClintic-Marshall Company.....	\$679,838.80
Post & McCord.....	698,010.00

The Phoenix Bridge Company.....	705,330.00
The Jobson-Gifford Company.....	705,865.00
Bethlehem Steel Company, Inc.....	741,320.00
Harris Structural Steel Co., Inc.....	752,895.00
Oakdale Contracting Co., Inc.....	771,180.00

The Chief Engineer of this Commission, in a communication dated May 8, 1923, reports that the bid of McClintic-Marshall Company, the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said McClintic-Marshall Company, subject to its being approved and consented to in form and substance as required by law.

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, said proposed contract to be entered into between The City of New York, acting by the Transit Commission and said McClintic-Marshall Company, for furnishing and erecting structural steel for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, together with a requisition upon your Honorable Board for the appropriation of the sum of Six hundred seventy-nine thousand eight hundred thirty-eight dollars and eighty cents (\$679,838.80), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Six hundred seventy-nine thousand eight hundred thirty-eight dollars and eighty cents (\$679,838.80), and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Six hundred seventy-nine thousand eight hundred thirty-eight dollars and eighty cents (\$679,838.80).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made by the predecessors of the Transit Commission for the purpose of carrying out the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

602—R. T. 7638

Contract No. 3—Report by Chief Engineer Recommending Approval of Supplemental Unit Price for Concrete Wall in Place of Brick Wall Under Contract for Second Addition to Shops at Lenox Avenue and 148th Street—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated May 7, 1923, recommending the establishment of a supplemental schedule item of \$23.00 per cubic yard for construction of a 12-inch concrete wall in substitution for a brick wall under the contract with Jacob Schlesinger, Inc., for the construction of second addition to shops at the Lenox Avenue and 148th Street Yard.

The following resolution was adopted:

Whereas, the Chief Engineer of this Commission by communication dated May 7, 1923, has for the reasons herein more particularly set forth recommended the establishment of a supplemental unit price for a 12-inch concrete wall to be substituted for 12-inch brick wall in the construction of Second Addition to Shops at the Lenox Avenue and 148th Street Yard pursuant to the contract dated August 3, 1922, between The City

of New York, acting by this Commission and Jacob Schlesinger, Inc., for the performance of such work the estimated cost under such proposed supplemental unit price exceeding the limitation set forth in the third paragraph of Item 150 of said contract: and

Whereas, Counsel has prepared and submitted a proposed communication to the Board of Estimate and Apportionment requesting its consent as required by said contract to the establishment of said supplemental unit price,

Resolved, That said report and recommendation be and the same hereby is approved; that the said communication so submitted be and the same hereby is adopted and that it be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

May 8, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Chief Engineer of this Commission in a communication dated May 7, 1923, has reported with respect to the work under the contract dated August 3, 1922, between The City of New York acting by the Transit Commission and Jacob Schlesinger, Inc., for the construction of Second Addition to Shops at the Lenox Avenue and 148th Street Yard as part of the Railroad described in the contract dated March 19, 1913, known as Contract No. 3, as follows:

"Jacob Schlesinger, Inc., Contractor for the Second Addition to Shops, Lenox Avenue and 148th Street Yard, advises under date of May 7, 1923, that there is great difficulty at present in obtaining good brick for the walls of the shops under this contract, and proposes to make an allowance of \$5. per cubic yard—from \$28. to \$23—if he will be permitted to substitute concrete for the 12-inch brick wall. A copy of the letter is attached.

There are about 830 cubic yards of 12-inch brick wall to be constructed under this contract. This reduction of \$5. per cubic yard would therefore mean a saving of about \$4,150. The Contractor requests the privilege, however, of using brick as originally contemplated if he is able to get satisfactory brick in sufficient quantities when wanted.

In his letter the Contractor advises that he would make no allowance if the 8-inch brick wall is changed to concrete on account of the comparatively greater cost of forms for such 8-inch wall. We have discussed this matter with him orally and he has stated that the second paragraph of his letter referring to the 8-inch wall need not to be considered.

This Contractor is the low bidder for the Jerome Avenue Inspection Shed. In that contract he bid \$30. per cubic yard for brick work and \$25. for concrete—a difference of \$5. per cubic yard—which is the same allowance that he proposes to make in the Second Addition to Shops.

The concrete is entirely satisfactory for our purpose and I consider the allowance of \$5. also satisfactory.

I would therefore

Recommend that the Commission approve the supplementary schedule Item No. 6 AA for 12-inch concrete walls in place with a neat, smooth, finished surface at \$23. per cubic yard, and that, as this item exceeds the limit fixed under item 150 the Board of Estimate be requested to concur in the establishment of this supplementary schedule item. Resolution is attached."

The resolution proposed to be adopted to effect such recommendation which has been approved by this Commission is as follows:

"Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated August 3, 1922, between the City of New York acting by the Transit Commission and Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops at the Lenox Avenue Yard, under Contract No. 3, having, subject to the approval of the Commission, agreed with the said contractor on the following supplementary schedule item:

Item No. 6AA—For 12" concrete wall in place with a neat smooth finished surface at \$23.00 per cubic yard.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved."

Item 150 of said contract provides in the third paragraph thereof as follows:

* * * "In the case of any single order of work or materials, or both, for a particular job or purpose where the lump sum price for such order to be agreed upon under the provisions of this paragraph or the estimated cost of such order according to the unit prices therefor to be agreed upon under the provisions of this paragraph shall exceed five thousand dollars (\$5,000), such agreement shall not be binding upon the City until the Board of Estimate and Apportionment shall approve or consent to such agreement or such lump sum price or such unit prices."

Inasmuch as the estimated cost under the proposed supplemental unit price exceeds the limitation set forth in Item 150 the consent of your Honorable Board to the establishment of said supplemental unit price is necessary.

Your Honorable Board is therefore requested to consent to the establishment of said supplemental price as hereinbefore set forth for the purposes herein referred to.

TRANSIT COMMISSION,

By GEORGE McANENY,

Chairman.

603—R. T. 7536

Route No. 16—Application by D. C. Serber, Second Lowest Bidder, for Release of Check Deposited with Bid for Construction of Inspection Shed and Service Buildings at Jerome Avenue Yard—Application Granted

An application dated May 1, 1923, was presented from D. C. Serber, second lowest bidder, requesting the release of the certified check in the sum of \$5,000 deposited with his bid of April 13, 1923, for the construction of an inspection shed and service buildings at the Jerome Avenue Yard. On motion, duly seconded and adopted, the application was granted.

604—R. T. 7497

Route No. 31—Report by Chief Engineer Recommending Extension of Time to April 28, 1923, within which to Complete Contract for Installation of Tracks and Construction of Concrete Inspection Pits at Livonia Avenue Yard—Approval Resolution

A report was presented from the Chief Engineer dated May 1, 1923, recommending that an extension of time be granted to B. T. & J. J. Mack from December 14, 1922, dated April 28, 1923, within which to complete all work under the contract for the installation of tracks and the construction of concrete inspection pits at the Livonia Avenue Yard.

The following resolution was adopted:

Whereas, The contract dated May 9, 1922 between The City of New York, acting by the Transit Commission, and B. T. and J. J. Mack, for the installation of tracks and construction of concrete inspection pits and other miscellaneous work at the Livonia Avenue Yard of the Eastern Parkway Rapid Transit Railroad, required, in accordance with the provisions of Article LXXIX thereof, the completion of all work thereunder on or before December 14, 1922; and

Whereas, The Chief Engineer of this Commission, by communication dated May 1, 1923, reports that all work under said contract was completed in all respects on or before April 8, 1923; that the delay in the completion of the work was attributable to the contractor's inability to obtain suitable hard coal cinders for ballast as required by

said contract, notwithstanding that it made every reasonable effort to procure proper cinders; that practically all the work contemplated by said contract was completed on time with the exception of final surfacing of a portion of the tracks which had to be postponed until the frost was out of the ground; that the operating company was not impeded in the installation of equipment by any of the delay under said contract and recommends that the time within which to complete all the work under said contract be extended to and including April 28, 1923,

Resolved, That said report and recommendation be and the same hereby is approved; that the time of B. T. and J. J. Mack within which to complete the work under said contract be and the same hereby is extended to and including April 28, 1923, provided, however, that this extension of time shall not take effect unless and until it shall be consented to in writing by the sureties upon the bond deposited as security for the faithful performance of said contract.

605—R. T. 6831

Routes Nos. 43 & 26—Communication from Counsel Submitting Proposed Agreement for Construction and Extension of Floor and Stairway No. 5 in Grand Central Terminal Building—Approval Resolution

A communication was presented from Counsel dated May 2, 1923, submitting a proposed agreement with the New York State Realty and Terminal Company, the New York Central Railroad Company, the New York, New Haven and Hartford Railroad Company, the City of New York, acting by the Transit Commission and the Interborough Rapid Transit Company for the construction of a portion of the main floor of the Grand Central Terminal building and subway stairway No. 5, at the Grand Central station of the Lexington Avenue Line.

The following resolution was adopted:

Whereas, Counsel, with his letter dated May 2, 1923, has submitted to this Commission a proposed form of agreement between The City of New York, acting by the Transit Commission, Interborough Rapid Transit Company, New York State Realty and Terminal Company, The New York Central Railroad Company and The New York, New Haven & Hartford Railroad Company for the construction of a portion of the main floor of the Grand Central Terminal Building, outside of easement lines, over the stairwell of Stairway No. 5, a subway entrance stairway and the maintenance of said stairway, a part of the Grand Central Station of the Lexington Avenue Line, a rapid transit railroad in the Borough of Manhattan, and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This proposed agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

606—R. T. 7622

Contract No. 2—Communication from Counsel Submitting Proposed Agreement for Additional Show Windows and Entrance at Hoyt Street Station to Premises at No. 501 Fulton Street, Borough of Brooklyn—Approval Resolution

A communication was presented from Counsel, dated May 3, 1923, submitting a proposed agreement with "Martins" and the Interborough Rapid Transit Company providing for additional show windows and an entrance at the Hoyt Street Station of the Brooklyn-Manhattan Rapid Transit Railroad, to the premises at No. 501 Fulton Street, Borough of Brooklyn.

The following resolution was adopted:

Whereas, Counsel, with his letter dated May 3, 1923, has submitted to this Commission a proposed form of agreement between The City of New York, acting by the Transit Commission, Interborough Rapid Transit Company and "Martins," for the construction, maintenance and operation of additional show windows and an entrance to "Martins" store at No. 501 Fulton Street, Borough of Brooklyn, said show windows and entrance abutting upon the northerly platform of the Hoyt Street Station of the Brooklyn-Manhattan Rapid Transit Railroad and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York;

Whereas, The proposed agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

607—R. T. 6080

Route No. 18—Application by Hugh B. Leeds for Permission to Occupy Vacant Property at Southeast Corner of East 180th Street and Bronx Park Avenue, Borough of The Bronx—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Hugh B. Leeds dated May 3, 1923, requesting permission to occupy the vacant property at the southeast corner of East 180th Street and Bronx Park Avenue, Borough of The Bronx, for a lunch wagon at a rental of \$25.00 per month beginning May 16, 1923, and \$35.00 per month beginning November 16, 1923.

A report was presented from the Real Estate Clerk dated May 4, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Hugh B. Leeds of No. 558 Mott Avenue, Borough of The Bronx, has by application dated May 3, 1923, requested permission to occupy a vacant rectangular area at the southeasterly corner of East 180th Street and Bronx Park Avenue, Borough of The Bronx, having a frontage of 20 feet on east 180th Street and 40 feet on Bronx Park Avenue, for a lunch wagon; agreeing to pay rent at the rate of \$25.00 per month beginning May 16, 1923, and \$35.00 per month beginning November 16, 1923; to deposit \$15.00 as security for the payment of water charges and to vacate on fifteen (15) days' notice; the said application containing other terms similar to those usually governing like concessions; and

Whereas, The Real Estate Clerk, under date of May 4, 1923, has reported upon this application, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be and he hereby is, authorized and directed to subscribe the approval of the Commission thereon.

608—R. T. 7267

Contract No. 3—Five Applications from Interborough Rapid Transit Company for Approval of Purchase of Insurance on 3,193 Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

Five applications were presented from the Interborough Rapid Transit Company, for the purchase of fire insurance on 3,193 subway and elevated cars in the amount of \$28,395,000. for a period of five years at a premium of \$196,360.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated April 28, 1923, recommending that the applications be approved, which report was endorsed by the Auditor of Rapid Transit Costs recommending that the cost be charged to operating expenses.

The following resolution was adopted, Commissioner Harkness not voting:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has submitted for the approval of this Commission applications for the purchase of insurance as follows:

Approval No.	Date Expires	Last Approval Date	Type of Cars	Insurance Per Car	Premium
398	Nov. 23, 1922	Dec. 19, 1917	Steel subway motors	\$10,000	\$3,000
473	May 1, 1923	July 16, 1918	Steel subway motors	10,000	24,480
474	Jan. 2, 1923	July 16, 1918	Steel subway motors	10,000	20,220
		Sept. 3, 1918	Steel subway trailers	7,500	6,300
475	Feb. 26, 1923	July 16, 1918	Copper sheathed motors	10,000	31,680
476	May 1, 1923	July 16, 1918	Copper sheathed motors	10,000	10,080
	May 1, 1923	July 16, 1918	Wooden motors	10,000	75,120
		July 16, 1918	Wooden trailers	5,000	25,480

; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer state that it is proposed that such insurance shall be for a period of five years from the date of expiration of each one of several policies of fire insurance in the amount of \$28,395,000 and inspection service on 3,193 cars, forming the greater portion of the cars belonging to the Railroad and Existing Railroads, as defined in said Contract No. 3; that the total premium is \$196,360; that the amount of insurance indicated is necessary and recommend that said five applications so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated May 4, 1923, has recommended the approval of said applications, the cost thereunder to be chargeable to operating expenses,

Resolved, That said reports and recommendations be and the same hereby are approved; that the applications aforesaid, so submitted, be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of each of said applications.

609—R. T. 6761

Contract No. 3—Applications by Interborough Rapid Transit Company for Approval of Two Proposed Purchasing Agent's Orders for Blowers to be Installed at 131st Street and Johnson Street Ventilating Plants—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

Applications were presented from the Interborough Rapid Transit Company dated April 16, 1923, requesting approval of two proposed purchasing agent's orders directed to the American Blower Company for installing blowers in the 131st Street ventilating chamber of the Lexington Avenue Line and in the Johnson Street ventilating chamber of the Clark Street tunnel, at a total cost of \$8,205.75.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated April 25, 1923, stating that the equipment is necessary and recom-

mending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment.

The following resolution was adopted:

Whereas, Pursuant to provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3 Interborough Rapid Transit Company by communications dated April 16, 1923, has submitted for the approval of this Commission two proposed purchasing agent's orders both dated April 16, 1923, directed to American Blower Company for the manufacture and delivery in each case of

- 1—No. 12 double reversible inlet American Sirocco fans.
 - 2—50 H.P. 550/700 R.P.M. field controlled Sprague-G. E. 600 volts, D.C. motors.
 - 2—50 H.P. American High speed chain drives with casings.
- which proposed purchasing agent's orders have been caused to be designated as "Approval Nos. 471 and 472"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated April 25, 1923, reported that such Equipment is to be installed in the 131st Street fan chamber of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line and in the Johnson Street fan chamber of the Clark Street tunnel of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad as described in said Contract No. 3; that the total cost under both orders is \$8,205.75 which is reasonable; that the Equipment is necessary and is according to the latest engineering practice and recommend that the said proposed purchasing agent's orders so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated May 2, 1923, has recommended that said material be classified as Equipment of the Railroad as defined in said Contract No. 3.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's orders so submitted be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's orders, the cost of such Equipment to be classified as Equipment of the Railroad as defined in said Contract No. 3.

610—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Substitution of Certain Cars upon which Multiple Door Control Device is to be Installed—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Modification of Resolution Adopted on March 13, 1923—Modifying Resolution

An application was presented from the Interborough Rapid Transit Company dated April 19, 1923, advising that it had made a different selection of cars upon which multiple door control device is to be installed and requesting that the resolution adopted on March 13, 1923, be modified so as to provide for the substitution of car numbers.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 5, 1923, stating that the substitute cars are suitable for the installation of multiple door control and recommending that the resolution of March 13, 1923, be amended.

The following resolution was adopted:

Whereas, By resolution adopted March 13, 1923, this Commission pursuant to the certificate dated March 19, 1913, granted the Interborough Rapid Transit Company by the Public Service Commission for the First District, for certain elevated extensions and pursuant also to the provisions of a certain stipulation dated March 9, 1923, between the Interborough Rapid Transit Company and this Commission, this Commission ap-

proved the installation of a multiple door control (including car body changes) on certain elevated cars for use on the Manhattan Elevated Lines, specifically referring in said resolution in the fourth paragraph thereof to the particular cars upon which such device was to be installed; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that said Interborough Rapid Transit Company under date of April 19, 1923, advised that it had made a different selection of cars upon which said device was to be installed; that said substitute cars are suitable for said purpose and recommend that said resolution of March 13, 1923, be amended accordingly.

Resolved, That said report and recommendation be and the same hereby is approved; that the schedule made part of said fourth paragraph of said resolution of March 13, 1923, be and the same hereby is amended so as to read as follows:

Number of Cars	Name of Builder	Date Built	Car Nos.
<i>178 Motors for Western Division Service</i>			
119	Wason Mfg. Co.	1902-1903	172, 220, 221-227, 229-241, 1121-1129, 1131-1218
59	Wason Mfg. Co.	1903	1255-1291, 1293-1314
<i>97 Motors for Eastern Division Service</i>			
19	Barney & Smith	1910	1634-1652
18	Jewett Car Co.	1910	1654-1671
40	Jewett Car Co.	1911-12	1753-1792
20	Cincinnati Car Co.	1911	1793-1812
<i>190 Trailers for Eastern and Western Division Service</i>			
112	St. Louis Car Co.	1907-1908	1416-1458, 1460-1528
19	Wason Mfg. Co.	1909	1673-1685, 1687-1692
20	St. Louis Car Co.	1911	1693-1712
39	Wason Mfg. Co.	1911	1714-1752
	Total Motors		275
	Total trailers		190
	Total cars		465

Further Resolved, That said resolution except as herein amended, shall remain in all respects the same as adopted on March 13, 1923, aforesaid.

611—R. T. 6668, 6597

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Purchase of 25 Additional Automatic Low Type Turnstiles—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated April 6, 1923, requesting approval of the purchase of 25 additional standard automatic low type turnstiles under the purchasing agent's order directed to the Percy Machine Works, at a cost of \$6,250.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer dated April 19, 1923, stating that the machines are necessary and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work under Work Order Numbers heretofore assigned.

[May 8, 1923

The following resolution was adopted:

Whereas, By resolution adopted on October 3, 1922, this Commission approved, pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4, a proposed purchasing agent's order directed to Perey Machine Works for the manufacture and delivery of 100 electrically operated pre-payment coin boxes and passimeters; and

Whereas, This Commission, pursuant to the provisions of said Contract No. 4, has classified said work as Additional Equipment as defined in said contract and has heretofore assigned Work Order Numbers as follows:

For the Railroad.....MBA-14 and MBA-21
For the Existing Railroads.....MCA-23

; and

Whereas, By communication dated April 6, 1923, the General Manager for the Receiver of said New York Municipal Railway Corporation has requested the approval of this Commission to the purchase under said purchasing agent's order approved as aforesaid of 25 additional coin boxes and passimeters at a cost of \$6,250; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have reported that the machines are similar to those referred to in the purchasing agent's order approved by this Commission as aforesaid by resolution adopted October 3, 1922; that the additional machines are necessary for the installation of automatic control at various stations of the Railroad and Existing Railroads described in said Contract No. 4; that the price is reasonable and recommend that said proposal be approved; and

Whereas, By endorsement dated April 30, 1923, the Auditor of Rapid Transit Costs has recommended the classification under work order numbers heretofore assigned, as hereinbefore indicated,

Resolved, That said reports and recommendations be and the same hereby are approved; that the proposal of the Receiver of New York Municipal Railway Corporation to purchase said 25 additional standard automatic low type turnstiles, pursuant to the purchasing agent's order approved on October 3, 1922, be and the same hereby is approved.

612—R. T. 6779, 7659

Contract No. 1—Communication from Police Commissioner Requesting Removal of Kiosks on Broadway at North Side of Columbus Circle and at South Side of 72d Street—Referred to Commissioner O'Ryan

The following communication from the Police Commissioner was referred to Commissioner O'Ryan:

May 1st, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

It is respectfully asked that you cause the necessary action to be taken at this time for the removal of the subway kiosks located in the centre of the roadway at the following points in the Borough of Manhattan:

Broadway at north side of Columbus Circle.
Broadway at south side of 72nd Street.

These kiosks constitute a menace to the safety of pedestrians, as well as to the occupants and drivers of vehicles, and their removal is considered essential to the betterment of roadway conditions at the congested locations where they are now maintained.

Thanking you for favorable action in the matter, I am,

Very truly yours,

R. E. ENRIGHT,
Police Commissioner.

613—R. T. 6595

Contract No. 4—Statement from New York Consolidated Railroad Company of Results of Operation for Month of March, 1923, and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

A communication dated May 7, 1923, from the New York Consolidated Railroad Company, by Howard Abel, Comptroller for Lindley M. Garrison, Receiver, submitting statements of Results of Operation for the month of March, 1923, for the period from August 4, 1913 to March 31, 1923, and the status of the Maintenance and Depreciation Funds, under Contract No. 4, was referred to the Chief Accountant.

614—Case 1505

New York Consolidated Railroad Company and Lindley M. Garrison, Receiver—Destination Signs in Cars of Elevated Trains—Extension Order Adopted

The Secretary presented a communication, dated May 5, 1923, from M. B. Hoffman, for Lindley M. Garrison, Receiver for the New York Consolidated Railroad Company and the New York Consolidated Railroad Company, by J. H. Bennington, Secretary, requesting an extension of time to May 15, 1923, within which to notify the Commission if the amendatory order in Case No. 1505, adopted May 1, 1923, amending previous orders therein relative to the requirement of destination signs on cars operated by the company was accepted and would be obeyed.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 1505, granting the desired extension of time to May 15, 1923.

615—S. P. 746

Union Railway Company of New York City—Application for Permission to Put Into Effect on Short Notice New Schedule Providing for Extension of Tremont Avenue Line and Discontinuance of Fort Schuyler Line—Special Permission No. 746 Approved

The Secretary presented a communication, dated May 7, 1923, from Union Railway Company of New York City by Garrow T. Gear, Secretary, requesting permission to put into effect on three days notice Revised Tariff Sheets providing for the extension of its Tremont Avenue Line from Westchester Avenue to Eastern Boulevard over the tracks of its Fort Schuyler Line, and the discontinuance of its Fort Schuyler Line. The Secretary also presented his report, dated May 8, 1923, advising that the proposed revised tariff sheets provide the same transfer privileges accorded the public under present operation and recommending the granting of the application.

Thereupon the Commission approved and ordered filed Special Permission No. 746, granting the permission requested and providing that same take effect nunc pro tunc as of May 2, 1923.

616

Eighth Avenue Railroad Company—The Ninth Avenue Railroad Company—Contracts with New York City Car Advertising Company for Advertising Privileges—Filed

The Secretary presented two contracts entered into between the Eighth Avenue Railroad Company and The Ninth Avenue Railroad Company respectively, dated

November 1, 1919, with the New York City Car Advertising Company, providing for certain advertising privileges for a term of ten years beginning November 1, 1919, and ending October 31, 1929.

Thereupon, the Commission ordered the above mentioned papers filed.

617—R. T. 7038

Route No. 50—Communication from Acting Corporation Counsel Transmitting Original Deeds of Grants and Releases for Easements in Front of Premises at Nos. 410-422 and 424 Jackson Avenue, Borough of Queens—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated May 4, 1923, transmitting one original deed dated December 22, 1922, from John L. Klages and Mary A. Klages, granting easements of light, air and access in front of the premises at Nos. 410-422 Jackson Avenue, Borough of Queens, and an original deed dated July 22, 1922, from John L. Klages and Mary A. Klages, granting easements of light, air and access in front of No. 424 Jackson Avenue, Borough of Queens, which deeds were recorded in the office of the clerk of the county of Queens, in liber 2473 at pages 312 and 315 of conveyances and indexed under Section No. 3, Block 596 of the land map of the County of Queens.

618—R. T. 4039

Centre Street Loop—Communication from Counsel Transmitting Original Mortgage in Sum of \$64,575, Made by Centre Holding Co., Inc., as Part of Purchase Price of Property Sold at Public Auction at Southwest Corner of Canal and Centre Streets, Borough of Manhattan—Filed

The Commission ordered filed a communication from Counsel dated May 2, 1923, transmitting an original mortgage dated March 23, 1923, in the sum of \$64,575 made by the Centre Holding Co., Inc., to the City of New York as part of the purchase price for the property sold at public auction at the southwest corner of Canal and Centre Streets, Borough of Manhattan, which mortgage was recorded in the office of the Register of New York County on March 26, 1923, in Liber 3335, Page 343 of Mortgages and indexed under Block No. 197 on the Land Map of the City of New York.

619—R. T. 7605

Routes Nos. 35 & 67—Communication from Counsel Transmitting Original Recorded Agreements for Stairways to Fifth Avenue Station—Filed

A communication was ordered filed from Counsel dated May 3, 1923, transmitting the following agreements:

Agreement between The Hoagland Corporation, Stern Brothers, Interborough Rapid Transit Company and The City of New York, acting by the Transit Commission, dated February 1, 1923, for the maintenance of a stairway and an entrance from the Fifth Avenue Station of the Queensboro Subway Extension, to the premises situated on the northerly side of 42nd Street, which agreement was recorded in the office of the Register of New York County on April 12, 1923, and indexed in Liber 3330, Page 416 of Conveyances, Block No. 1258.

Agreement between The Gerry Estates, Inc., Stern Brothers, Interborough Rapid Transit Company and The City of New York, acting by the Transit Commission, dated January 29, 1923, for the maintenance of a stairway and an entrance from the Fifth Avenue Station of the Queensboro Subway Extension, to the premises situated

on the northerly side of 42nd Street, which agreement was recorded in the office of the Register of New York County on April 12, 1923, and indexed in Liber 3332, Page 82 of Conveyances, Block No. 1258.

620—R. T. 7623

Agreement "CH"—Notice by Chief Engineer of Commencement of Work for Installation of Two Elevators at 168th Street Station—Filed

A notice was ordered filed from the Chief Engineer dated May 1, 1923, advising of the commencement of work by the Otis Elevator Company on February 23, 1923, for furnishing and installing two electric elevators in the new entrance to the 168th Street station, Contract No. 1, Agreement "CH."

621—R. T. 7255

Routes Nos. 19 & 22, Section No. 2—Communication from Counsel Transmitting Original Deed from New York, New Haven and Hartford Railroad Company for Three Parcels of Property as Part of Site for Westchester Storage Yard—Filed

A communication was ordered filed from Counsel dated May 4, 1923, transmitting an original deed dated January 29, 1923, from the New York, New Haven and Hartford Railroad Company conveying to the City of New York, title to three parcels of property known as Parcels "A," "B" and "C," as part of the site for the Westchester Storage Yard, which deed was recorded in the office of the Register of the County of The Bronx on March 5, 1923, in Liber 385, page 351 of Conveyances and indexed under Blocks Nos. 4134, 4135, 4139, 4140, 4141, 4142 and 4224.

622—R. T. 7556

Route No. 26—Consents of Contractor, Sureties and Assignee to Resolution Approving Assignment of Moneys Due Under Contract for Reconstruction of Jackson Avenue Station—Filed

Consents were ordered filed from Joslin Construction Company, Inc., the sureties upon the bond deposited by the Contractor and the Mechanics Trust Company of New Jersey, to the resolution adopted by the Commission on April 10, 1923, approving an assignment by the Joslin Construction Company, Inc., to the Mechanics Trust Company of all moneys due from The City of New York under the contract for the reconstruction of the Jackson Avenue Station of the Steinway Tunnel Line, Route No. 26.

623—R. T. 7638

Order No. 22—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Railway Switch & Crossing Corporation for Supply of Special Work and Authorizing Appropriation of \$28,000—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on April 27, 1923, was ordered filed:

(Cal. No. 55)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 3, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with the Railway Switch & Crossing Corporation for the supply

of special work and track fittings (Order No. 22) for use in the construction of various parts of the dual system of the Municipal Rapid Transit Railroads at an estimated cost of twenty-eight thousand dollars (\$28,000); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty-eight thousand dollars (\$28,000); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding twenty-eight thousand dollars (\$28,000) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purpose of said contract; said issue of corporate stock to be charged, to the extent of twenty-four thousand four hundred dollars (\$24,400), as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriation subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3, and to the extent of three thousand six hundred dollars (\$3,600), as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriation subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 27, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated May 8, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

624—R. T. 7640

Order No. 8—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Alfred R. Sax Lumber Company for Supply of Ties and Timber and Authorizing Appropriation of \$20,000—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on April 27, 1923, was ordered filed:

(Cal. No. 56)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 3, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with Alfred R. Sax Lumber Company for the supply of ties and timber (Order No. 8) for use in the construction of rapid transit railroads, at an estimated cost of twenty thousand dollars (\$20,000); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty thousand dollars (\$20,000); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding twenty thousand dollars (\$20,000), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged, to the extent of ten thousand five hundred dollars (\$10,500), as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made

by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3, and to the extent of nine thousand five hundred dollars (\$9,500), as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 27, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated May 8, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

625—R. T. 7642

Contract No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Fox-Reynolds Company, Inc., for Excavation and Construction of Retaining Wall at Lenox Avenue Yard and Authorizing Appropriation of \$79,781.50—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on April 27, 1923, was ordered filed:

(Cal. No. 57)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 3, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with Fox, Reynolds Company, Inc., for the excavation and the construction of a retaining wall at the Lenox Avenue Yard, 7th avenue, between 148th and 150th streets, Borough of Manhattan, at an estimated cost of seventy-nine thousand seven hundred and eighty-one dollars and fifty cents (\$79,781.50); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be seventy-nine thousand seven hundred and eighty-one dollars and fifty cents (\$79,781.50); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding seventy-nine thousand seven hundred and eighty-one dollars and fifty cents (\$79,781.50), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purpose of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 27, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above-mentioned contract approved as to form, was also ordered filed.

626—R. T. 6658

Routes Nos. 4 & 38, Section No. 6—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Additional Appropriation of \$162.50 for Extensions to Express Platform of Pennsylvania Station—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on April 27, 1923, was ordered filed:

(Cal. No. 58)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 10, 1923, the Board of Estimate and Apportionment does hereby consent to an appropriation to provide for the additional cost of constructing platform extensions at the northerly end of the express platform of the Pennsylvania Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line, as addition to construction under Contract No. 3; at an estimated cost to The City of New York of one hundred and sixty-two dollars and fifty cents (\$162.50), being one-half of the total estimated cost of three hundred and twenty-five dollars (\$325); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be one hundred and sixty-two dollars and fifty cents (\$162.50); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one hundred and sixty-two dollars and fifty cents (\$162.50), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied in addition to the amount heretofore appropriated to the purposes of said work; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 27, 1923.

JAMES MATTHEWS,
Assistant Secretary.

627

Expenses—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$200,000 as Part of Expenses for Year Ending December 31, 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on April 27, 1923, was ordered filed:

(Cal. No. 54)

Resolved, That the Board of Estimate and Apportionment, in accordance with the requisition of the Transit Commission, dated December 7, 1922, and pursuant to the provisions of chapter 134 of the Laws of 1921, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby authorizes an appropriation in the sum of two hundred thousand dollars (\$200,000), in addition to the amount heretofore appropriated, to properly enable the Transit Commission to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by the said law; and the Comptroller is hereby authorized, pursuant to law and the said requisition of the Transit Commission, to issue special revenue bonds of The City of New York to an amount not exceeding two hundred thousand dollars (\$200,000), redeemable from the tax levy of the year next succeeding the year of their issue, the proceeds to be used for the purposes aforesaid.

A true copy of resolution adopted by the Board of Estimate and Apportionment, April 27, 1923.

JAMES MATTHEWS,
Assistant Secretary.

Employees' Resolution No. 141

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII: 4—Louis H. Chouinard, junior assistant, at \$125.08 per month, to take effect May 14, 1923; William D. O'Driscoll, junior assistant, at \$125.08 per month, to take effect May 1, 1923; Jacob Simon, junior assistant, at \$125.08 per month, to take effect May 7, 1923; Georges Van der Bonn, draftsman, at \$150.08 per month, to take effect May 2, 1923.

Reinstatement under Rule XVI: 1—George Jacknowitz, junior assistant, at \$100.08 per month, to take effect May 7, 1923.

Rescission of Termination of Appointment under Rule VIII: 4—Fred Adinolfi, architectural draftsman, at \$150.08 per month, to take effect April 17, 1923.

Rescission of Appointment—Fred Adinolfi, architectural draftsman, at \$150.08 per month, to take effect March 19, 1923.

Resignations—George A. Coy, draftsman, at \$150.08 per month, to take effect April 24, 1923; William R. Crittenden, junior assistant, at \$125.08 per month, to take effect April 30, 1923; Percival P. Little, junior assistant, at \$152.50 per month, to take effect May 8, 1923; Oscar Reicher, junior engineer, at \$180.08 per month, to take effect May 9, 1923.

Promotion—Harry R. Gingher, inspector of steel, from \$200 to \$210 per month, to take effect May 7, 1923.

Change of Item in Resolution of May 1, 1923, Concerning Louis Seufert, so as to Read as Follows: (Appointment under Rule VIII: 4)—Louis Seufert, architectural draftsman, at \$150.08 per month, to take effect April 30, 1923.

Change of Item in Resolution of April 18, 1923, Concerning Samuel A. Pickoff, so as to Read as Follows: (Appointment under Rule VIII: 4)—Samuel A. Pickoff, draftsman, at \$150.08 per month, to take effect May 8, 1923.

Leaves of Absence with Pay—Charles Feddern, draftsman, from March 27, 1923, to April 9, 1923; Percy E. Lyon, assistant engineer, from April 9, 1923, to April 22, 1923; Viola V. Moran, junior statistical clerk, from April 25, 1923, to April 30, 1923; O. W. Schmidt, junior electrical engineer, from April 11, 1923, to April 24, 1923; Gussie Siebel, clerk, from May 16, 1923, to May 31, 1923; from June 16, 1923, to June 30, 1923; from July 16, 1923, to July 31, 1923.

Leaves of Absence without Pay—Gussie Siebel, clerk, from May 6, 1923, to May 15, 1923; from June 1, 1923, to June 15, 1923; from July 1, 1923, to July 15, 1923; Paul Solomon, junior assistant, from April 1, 1923, to April 24, 1923; Gussie Siebel, clerk, from August 1, 1923, to August 5, 1923.

Employees' Calendar No. 142

On motion duly seconded and unanimously adopted, the following communication to the Board of Estimate and Apportionment was approved:

"Rollin B. Vose, engineering inspector in this department and with service dating back to April 7, 1902, is a member of the New York City Employees' Retirement System, Registration No. 8997, and will become seventy years of age on July 17, 1923 on which date he would, in due course automatically be retired. Pursuant to the provisions of Chapter 69 of the Laws of 1923, he now requests that the period of such retirement be deferred for two years, or to July 17, 1925 and, deeming it to the public interest that Mr. Vose, who is physically fit for the satisfactory performance of his duties as engineering inspector and not in any way incapacitated, be so continued on active service, the Commission approves such application and requests that he be so continued for the two year period referred to."

Voucher Schedule No. 19

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted to the Comptroller of The City of New York for payment:

Vouchers Nos. 456-479, open market orders, \$3,526.82; Vouchers Nos. 242-264, miscellaneous bills, \$3,412.42.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Railroads for the Periods Indicated Below:

Voucher No. 106, Lindley M. Garrison, Receiver, New York Municipal Railway Corporation; approximate estimate No. 1 for lengthening platforms at the Canal Street station of the Broadway-Fourth Avenue Line, to March 31, 1923 (R. T. 7431) \$3,639.01;

Voucher No. 107, Michael Del Balso; approximate No. 4, for the installation of tracks, including the furnishing of part of the track materials, etc., Route 18, 239th Street Yard, from April 1, 1923 to April 30, 1923 (R. T. 7528) \$13,823.52;

Voucher No. 108; T. H. Reynolds Contracting Co., Inc., approximate estimate No. 5, for the installation of tracks, Sections Nos. 1-5, Route No. 8, from April 1, 1923 to April 30, 1923 (R. T. 7536) \$12,815.82;

Voucher No. 109; Frederick L. Cranford, Inc., approximate estimate No. 10 for the reconstruction of a part of Section No. 3 of Route No. 33, Lawrence Street station, from April 1, 1923, to April 30, 1923 (R. T. 7454) \$5,908.15;

Voucher No. 110; Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 8 for the construction of inspection shed enclosure for Route No. 18, 180th Street Yard, from April 1, 1923 to April 30, 1923 (R. T. 7457) \$20,081.72.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, May 9, 1923

631

Hearing

The following hearing was held:

10 A. M.; Case 2679; The Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization. Chairman McAneny and Commissioner Harkness presided. Adjourned to May 14, 1923 at 10 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, May 10, 1923

632—R. T. 6998

Hearing

The following hearing was held:

11:30 A. M.; R. T. 6998; Draft form of contract for the reconstruction of the station at Williamsburg Bridge Plaza, Borough of Brooklyn. Commissioners Harkness and O'Ryan presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, May 14, 1923

633

Hearing

The following hearing was held:

10:30 A. M.; Case 2682; Long Island Railroad Company; Application by the City of New York under Section 91 of the Railroad Law for determination as to the manner in which two bridges carrying the Main Drive in Forest Park over the tracks of the Rockaway Beach Division and the Montauk Division of the Long Island Railroad, shall be altered or changed. George L. Lucas, Acting Chief Executive Officer, presided. Hearing closed.

634

Hearing

The following hearing was held:

10:30 A. M.; Case 2679; Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization; Chairman McAneny and Commissioners Harkness and O'Ryan presided. Adjourned to May 16th, 1923 at 10 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, May 15, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

635—R. T. 7591

Route No. 70-A—Resolution Adopting Route and General Plan for Jackson Avenue, Newtown Creek and Manhattan Avenue Route—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

JACKSON AVENUE, NEWTOWN CREEK AND MANHATTAN AVENUE ROUTE.
(Route No. 70-A)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation

and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Boroughs of Queens and Brooklyn, the center line of which shall begin at a point in the Borough of Queens at the Plaza of the Queensboro Bridge at or near Jackson Avenue; thence curving southwesterly as an elevated railroad to a point in Jackson Avenue south of Queensboro Plaza; thence curving and extending still as an elevated railroad southwesterly along and over Jackson Avenue and private property to a point in Henry Street, west of Jackson Avenue; thence southwesterly over and across Henry Street, where the line begins to depress under ground; thence southwesterly along and over private property, Harris Avenue and private property as a viaduct or embankment and open cut structure to a point at or near Nott Avenue, where the line becomes a subway or tunnel; thence continuing southwesterly as a subway or tunnel across and under Nott Avenue to Jackson Avenue; thence along and under Jackson Avenue to a point at or near Vernon Avenue; thence southerly along and under Vernon Avenue to Newtown Creek; thence under Newtown Creek to Manhattan Avenue in the Borough of Brooklyn; thence southerly along and under Manhattan Avenue to a point at or near Clay Street where a connection can conveniently be made with other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by the special necessities of surface or sub-surface structures or other special or local necessities, and at curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks of the route from the point of beginning of the route at the Queensboro Plaza, where a connection may be made with the existing rapid transit railroads, to a point at or near Henry Street where the route will begin to depress under the ground shall be carried upon a viaduct or an elevated structure; the tracks from said point and extending thence southerly along and across private property, Harris Avenue and private property, to a point in Nott Avenue west of Jackson Avenue, where the route will become a subway or tunnel, shall be partly upon a viaduct or an embankment and partly in open-cut subway or tunnel; the tracks from said point shall continue in subway or tunnel to the end of the route.

The tracks shall be placed in general under or over the central part of the street so far as may be practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches and, if necessary, for the purpose of tunneling by the shield method, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require, but no part of the viaduct structure shall be within a distance of five (5) feet of the exterior lines or sides of any street along the route except at stations, station approaches, curves or at other points where special construction shall so require.

Where the tracks change from viaduct to tunnel the change shall be so made as to involve the use of the street surface to the least extent consistent with the proper gradient for the tracks.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the

clear, unless it shall be necessary to tunnel by the shield method, in which event the tracks may be placed in tubes which shall not exceed twenty (20) feet outside diameter; except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear or such diameter may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, unless it shall be necessary to tunnel by the shield method, in which event the tracks may be placed in tubes not exceeding twenty (20) feet outside diameter, as aforesaid; except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width or diameter may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks where constructed in subway or tunnel may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

Viaducts shall be built with a width of not exceeding thirteen (13) feet for each track, and with an additional width of not exceeding three (3) feet on each side for outside footways, except that at stations, station approaches, switches, turnouts, curves and crossovers and at other points where special or local necessities or conditions or special construction shall so require, such width may be increased so far as necessary. The transverse girders may be extended and the supporting columns placed over such part of the streets or avenues of the route as may be necessary. Viaducts shall be built of metal or of masonry or of both.

The tracks on the elevated portion of the route, wherever constructed within a street, shall rest upon longitudinal and transverse girders supported by columns constructed at suitable intervals; but no portion of the said girders shall approach nearer than fourteen (14) feet to the surface of the roadway of the street, except that at stations and at other points where special or local necessities or conditions may exist, the bottom of the said girders may be not less than twelve (12) feet above the surface of the roadway.

The embankment and open-cut portion of the route shall be of masonry and steel or brick or fill, or such other construction as may be necessary, and this portion shall be built with a width of not exceeding thirteen (13) feet for each track in addition to the thickness of the necessary retaining walls and other special construction, excepting only that at curves or at other points where special or local necessities or conditions may require, such width may be increased so far as necessary.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half (8½) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railway.

Station and station entrances and exits may be built under or over the streets or through private property to be acquired for the purpose or both under or over streets and through private property as aforesaid. The streets under or over which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes,

wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction of the underground portions of the route shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels or upon the elevated structure or viaduct, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OR DRAWING

It is Further Resolved, That the map or drawing entitled "State of New York Transit Commission, Engineering Department, Route and General Plan, Route No. 70-A, Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Boroughs of Queens and Brooklyn," dated May 12, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment was as follows:

May 15th, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Under and in accordance with the provisions of the Rapid Transit Act (Chapter 4 of the Laws of 1891 as amended) the Transit Commission submits herewith for the approval of your Honorable Board and the approval of the Mayor of the City, a certified copy of a resolution adopted by it on May 15th, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad to be known as the Jackson Avenue, Newtown Creek and Manhattan Avenue Route (Route No. 70-A).

This route begins at a point in the Borough of Queens, at the Plaza of the Queensboro Bridge at or near Jackson Avenue, and extends thence southwesterly and southerly over, along and under Jackson Avenue, private property, Jackson Avenue, Vernon Avenue, Newtown Creek and Manhattan Avenue, in the Borough of Brooklyn, to a point at or near Clay Street, where a connection can conveniently be made with other proposed rapid transit railroads.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

636—R. T. 7591

Route No. 70-B—Resolution Adopting Route and General Plan for Manhattan Avenue, Roebling Street and Bedford Avenue Route—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

MANHATTAN AVENUE, ROEBLING STREET AND BEDFORD AVENUE ROUTE.

Borough of Brooklyn.

(Route No. 70-B.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Brooklyn, the center line of which shall begin at a point in Manhattan Avenue at or near Clay Street; thence extending southerly as a subway or tunnel along and under Manhattan Avenue to a point at or near Driggs Avenue; thence curving southwesterly across and under McCarren Park to a point in Roebling Street at or near Union Avenue; thence extending southwesterly, along and under Roebling Street to a point at or near North 4th Street; thence across and under North 4th Street, Metropolitan Avenue and private property to a point in Roebling Street at or near Hope Street; thence continuing southerly along and under Roebling Street to a point at or near the Williamsburg Bridge Plaza; thence along and under the Williamsburg Bridge Plaza to a point in Roebling Street at or near Broadway; thence along and under Roebling Street to a point at or near Lee Avenue; thence southeasterly crossing along and under private property, Wilson Street, private property, Ross Street, private property, Rodney Street and private property to a point in Bedford Avenue at or near Keap Street; thence southeasterly along and under Bedford Avenue to a point at or near Halsey Street, where a connection can conveniently be made with other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other, and substantially on the same level except that wherever required by surface or subsurface structures or other special or local necessities and at stations and curves and for the purpose of avoiding grade crossings and at or near all points of connections with existing or proposed rapid transit railroads, any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary. Generally, the tracks and track structures shall be within the street limits. Where the route changes direction, private property will be required as indicated in the foregoing descriptions.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks where constructed in subway or tunnel may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional tracks for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railroad.

Stations and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or

other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place. The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAPS OR DRAWINGS

It is Further Resolved, That the four (4) maps or drawings entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 70-B, Manhattan Avenue, Roebling Street and Bedford Avenue Route, Borough of Brooklyn," and further marked "Key Map," and "Sheet No. 1," "Sheet No. 2," and "Sheet No. 3," respectively, all dated May 12, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby are adopted as showing the foregoing route and general plan for convenience merely and that said maps or drawings are not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment was as follows:

May 15, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on May 15th, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Brooklyn, City of New York, to be known as Manhattan Avenue, Roebling Street and Bedford Avenue Route (Route No. 70-B).

This route begins at a point in Manhattan Avenue at or near Clay Street, and extends thence southerly along and under Manhattan Avenue, McCarren Park, Roebling Street, private property, Roebling Street, Williamsburg Bridge Plaza, Roebling Street, private property, and Bedford Avenue to a point in Bedford Avenue at or near Halsey Street.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

637—R. T. 7591

Route No. 70-C—Resolution Adopting Route and General Plan for Bedford Avenue, Fulton Street and Livingston Street Route—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

BEDFORD AVENUE, FULTON STREET AND LIVINGSTON STREET ROUTE.
Borough of Brooklyn.
(Route No. 70-C.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an

additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Brooklyn, the center line of which shall begin at a point in Bedford Avenue, at or near Hancock Street where a connection can conveniently be made with other proposed rapid transit railroads; thence curving southwesterly as a subway or tunnel under and across private property, Spencer Place and private property to a point in Fulton Street at or near Franklin Avenue; thence extending westerly and northwesterly under and along Fulton Street to a point at or near Fort Greene Place and Lafayette Avenue; thence curving westerly along and under Lafayette Avenue to a point in Lafayette Avenue at or near Ashland Place; thence extending across and under private property, Rockwell Place private property and Flatbush Avenue to a point in Livingston Street at or near Flatbush Avenue; thence northwesterly, along and under Livingston Street to a point in Livingston Street about 300 feet west of Flatbush Avenue, where a connection can conveniently be made with other proposed rapid transit railroads.

Also a branch beginning at a point under Fulton Street at or near Ft. Greene Place to connect with the existing Fourth Avenue Rapid Transit Railroad at or near Ashland Place. Two tracks of this branch shall continue under and along Fulton Street to a point in Fulton Street at or near Ashland Place, and a third track shall run under and along Lafayette Avenue, and under and across private property, Ashland Place and private property, to a point in Fulton Street at or near Rockwell Place.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire main route there shall be three (3) tracks. For the branch or spur there shall be three (3) tracks throughout.

The tracks shall be substantially parallel with each other, and on substantially the same level, except that wherever required by surface or subsurface structures or other special or local necessities and at stations and curves and for the purpose of avoiding grade crossings and at or near all points of connections with existing or proposed rapid transit railroads, any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary. Generally, the tracks and track structures shall be within the street limits. Where the route changes direction, private property will be required as indicated in the foregoing descriptions.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each

track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks where constructed in subway or tunnel may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional tracks for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railroad.

Stations and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair, or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "an Act to provide for rapid transit railroads in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OR DRAWING

It is Further Resolved, that the map or drawing entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 70-C, Bedford Avenue, Fulton Street and Livingston Street Route, Borough of Brooklyn," dated May 12, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

[May 15, 1923]

The communication to the Board of Estimate and Apportionment was as follows:

May 15, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on May 15, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Brooklyn, City of New York, to be known as Bedford Avenue, Fulton Street and Livingston Street Route (Route No. 70-C).

This route begins at a point in Bedford Avenue at or near Hancock Street, and extends thence southwesterly under and across private property, Spencer Place and private property to a point in Fulton Street at or near Franklin Avenue; thence westerly and northwesterly along and under Fulton Street to a point at or near Fort Greene Place and Lafayette Avenue; thence along, across and under Lafayette Avenue, private property, intervening streets and Livingston Street to a point about 300 feet west of Flatbush Avenue.

Also a branch beginning at a point under Fulton Street at or near Fort Greene Place to connect with the existing Fourth Avenue Rapid Transit Railroad at or near Ashland Place. Two tracks of this branch shall continue under and along Fulton Street to a point in Fulton Street at or near Ashland Place; and a third track shall run under and along Lafayette Avenue, and under and across private property, Ashland Place and private property, to a point in Fulton Street at or near Rockwell Place.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

638—R. T. 7591

Route No. 70-D—Resolution Adopting Route and General Plan for Bedford Avenue Brighton Beach Railway Connection—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

BEDFORD AVENUE-BRIGHTON BEACH RAILWAY CONNECTION
(Route No. 70-D.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination.

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Brooklyn, the center line of which shall begin at a point in Bedford Avenue at or near Hancock Street where a connec-

tion can conveniently be made with other proposed rapid transit railroads; thence curving southerly and extending under and across private property, Fulton Street, private property, Brevoort Place, private property, Franklin Avenue, private property and Atlantic Avenue to the right of way of the Brighton Beach railway of the New York Consolidated Railroad Company; and under the said right of way and intervening streets to a point in the said right of way at or near Eastern Parkway, where a connection can conveniently be made with the existing rapid transit railroad.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire main route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or subsurface structures or other special or local necessities, and at curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel from the beginning of the route to a point at or near Park Place where it becomes open cut. From this point to the end of the route the tracks shall be in open cut structure.

The tracks shall be placed in general under the central part of the streets or right of way so far as may be found convenient and practicable, except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to any part of said streets or right of way or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel on masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The open-cut portion of the route shall be of masonry and steel or brick or fill, or such other construction as may be necessary, and this portion shall be built with a width of not exceeding thirteen (13) feet for each track in addition to the thickness of the necessary retaining walls and other special construction, excepting only that at curves or at other points where special or local necessities or conditions may require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks where constructed in subway or tunnel may be placed in the same tunnel or open cut structure, or there may be separate tunnels or open cut structure for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half (8½) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railroad.

Station and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting building at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OF DRAWING

It is Further Resolved, That the map or drawing entitled "State of New York Transit Commission, Engineering Department, Route and General Plan, Route No. 70-D, Bedford Avenue-Brighton Beach Railway Connection, Borough of Brooklyn," dated May 12, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment was as follows:

May 15, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on May 15, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Brooklyn, City of New York, to be known as Bedford Avenue-Brighton Beach Railway Connection (Route No. 70-D).

This route begins at a point at or near the intersection of Bedford Avenue and Hancock Street, in the Borough of Brooklyn, where a connection can conveniently be made with other proposed rapid transit railroads and extends thence southerly under and across private property, Fulton Street, private property, Brevoort Place,

private property, Franklin Avenue, private property and Atlantic Avenue to the right of way of the Brighton Beach railway of the New York Consolidated Railroad Company; and under the said right of way and intervening streets to a point at near Eastern Parkway, where a connection can conveniently be made with the existing rapid transit railroad.

TRANSIT COMMISSION,

By GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

639—R. T. 7660

Route No. 78—Resolution Adopting Route and General Plan for Central Park West, Manhattan Avenue and St. Nicholas Avenue Route—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

CENTRAL PARK WEST, MANHATTAN AVENUE AND ST. NICHOLAS AVENUE ROUTE.
(Route No. 78.)

Whereas, The Transit Commission has determined that a rapid transit* railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, this Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point in Seventh Avenue at or near West 59th Street where a connection can conveniently be made with the existing rapid transit railroad; thence curving northwesterly and extending across and under West 59th Street and Central Park as a subway or tunnel to a point in Central Park West at or near West 64th Street; thence extending northerly along and under Central Park West to a point in Central Park West at or near West 109th Street; thence curving northwesterly across and under private property, West 110th Street and private property to a point in Manhattan Avenue at or about West 111th Street; thence extending northerly under and along Manhattan Avenue to West 124th Street and St. Nicholas Avenue and thence extending northerly under and along St. Nicholas Avenue to a point at or near West 162nd Street, where a connection can conveniently be made with other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For that part of route extending from 7th Avenue and West 59th Street to Central Park West and West 64th Street there shall be two (2) tracks. For the remainder of the route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or subsurface structures or other special or local necessities, and at curves and for the purpose of

avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads (and excepting also that along Central Park West, the structure may be constructed as a double-deck structure, for a part or the whole of the distance with two tracks above and two tracks below) any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable, except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to any part of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks where constructed in subway or tunnel may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of roadway.

Station and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission, in cases of necessity and for such times as may be necessary, permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place. The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAPS OR DRAWINGS

It is Further Resolved, That the five (5) maps or drawings entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 78, Central Park West, Manhattan Avenue and St. Nicholas Avenue Route, Borough of Manhattan," and further marked "Key Map," and "Sheet No. 1," "Sheet No. 2," "Sheet No. 3," and "Sheet No. 4," respectively, all dated May 14, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby are adopted as showing the foregoing route and general plan for convenience merely and that said maps or drawings are not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment was as follows:

May 15, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on May 15, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Manhattan, City of New York, to be known as Central Park West, Manhattan Avenue and St. Nicholas Avenue Route (Route No. 78).

This route begins at a point at or near the intersection of Seventh Avenue and West 59th Street, in the Borough of Manhattan, where a connection can conveniently be made with the existing rapid transit railroad and extends thence across and under West 59th Street and the southwesterly corner of Central Park to Central Park West and 64th Street, thence extending northerly along and under Central Park West to West 110th Street; thence through West 110th Street to Manhattan Avenue; thence extending northerly along and under Manhattan Avenue and St. Nicholas Avenue to West 162d Street, where a connection can conveniently be made with other proposed rapid transit railroads.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

Attest:
JAMES B. WALKER,
Secretary.

640—R. T. 6610, 6950

Rapid Transit Railroads—Communication to Board of Estimate and Apportionment as to Need of Definite Program for Subway Construction and Offering to Cooperate on Plans for Future Routes—Approved

The following communication was approved:

May 15, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The need for agreement upon a definite and immediate program of subway construction is more pressingly urgent than ever. The new lines provided under the building program of 1913, nearly all of which have been completed are already saturated with traffic. Their present insufficiency is so much a matter of common knowledge, and the inconvenience and suffering of the passengers travelling in the rush hours are so acute and patent that neither argument nor proof need be offered upon this point. Whatever relief may be secured through the better equipment and closer operation of any of the existing lines, when that is possible, or through the extension of purely street surface facilities, will be quickly absorbed by the never ceasing growth in traffic. The present figures show that on the average 4,000 passengers are carried each day in excess of the number carried the day before, representing a growth of over 100,000,000 a year. The only effective way in which real and lasting relief may be given, and proper provision made for the future must come from the immediate and continuous building of new subways. To build a subway railroad takes nearly five years from the time the plans are initiated until the road is ready for operation. Conditions are acute now. It is staggering to consider what they will be five years from now.

Your Board during two years past has declined to approve or to advance any of the measures presented by the Transit Commission looking toward the initiation of new work. For five years, in fact, no start has been made on any measure of new work, with the single exception of the two mile extension of the Corona Route to Flushing.

In view of the increasing emergency, and of the joint responsibility of the state and city—which means the joint responsibility of the Transit Commission and the Board of Estimate—a responsibility that has existed for some time past, and is beyond the possibility of either body to alter at the present time, we urge that the way should now be cleared for joint constructive action. It is the earnest desire of the Transit Commission to secure such action, and the Commission, therefore, repeats the offers it has made in the past to co-operate with your honorable body to the fullest degree, and in the most cordial spirit.

PROGRAM OUTLINED

In May a year ago the Commission submitted to your Board a program of construction looking five years ahead, prepared by the same body of engineers under whose direction plans for the existing subways were made, and calling for a total expenditure of approximately \$225,000,000. The lines included in this program, each of which links with recapturable parts of the existing subway system, and each of which would give a material extension of service for the present five-cent fare and without additional charges, are as follows:

- (1) The Flushing extension.
- (2) An extension of the subway across 42nd Street, Manhattan, so as to connect with each of the present north and south subway lines and do away with the present shuttle service.
- (3) A line to Staten Island.
- (4) An extension of the present Fourth Avenue Subway in Brooklyn, from Eighty-sixth Street to Ninety-fifth Street, either independently or as part of the Staten Island Line.
- (5) The extension of the Broadway-Seventh Avenue Line from 59th Street, Manhattan, to Washington Heights.
- (6) The Brooklyn Crosstown Line from the Queensboro Plaza, to a point of connection with the Brighton Beach Line at or near Franklin Avenue and Fulton Street, Brooklyn.

- (7) A new subway and East River tunnel to connect the Fulton Street Elevated Line, Brooklyn, with the Broadway-Fourth Avenue Line at City Hall Station, Manhattan.
- (8) The completion of the Nassau Street Line in Manhattan as a part of a new loop to Brooklyn; and
- (9) A new trunk line to run from downtown Manhattan to Washington Heights following in the main Eighth and Amsterdam Avenues.

These lines, as we have stated, have been planned as the next logical extensions of the existing system, and as those best calculated, in the judgment of the engineers, to furnish the most substantial relief.

In September last, however, in a statement presented to the Board of Estimate, the Mayor proposed a five year program based upon a different arrangement of lines. Some of these were wholly feasible, though others appeared to be at variance with important engineering principles which the Commission, in proceeding with any plan of construction, would be obliged to regard. These proposals of the Mayor have not been presented to the Commission, and have not, therefore, as yet been the subject of conference or of joint consideration. The Commission, however, has at all times been prepared to give them its careful attention, and with whatever modification may have since been proposed, will gladly take them up in conference now if your Board so desires. It is prepared to accept any change in its own program that such examination may suggest, subject only to the basic principles:—

- (1) That each projected new line shall link with other existing lines as part of an operable system, thus extending and not restricting the length of ride and the number of transfers to be had for a single five cent fare; and
- (2) That in the layout of routes and in the arrangement of trackage facilities necessary engineering and operating requirements for the arrangement of central trunk lines, and for the outlying branches feeding into them, shall be properly regarded.

COORDINATION OF PROJECTS

In the Mayor's statement of last September five projects appear that agree, or can be made to agree, with similar projects in the Commission's plan. They are:

- (1) Extension from Corona to Flushing.
- (2) Extension of Fourth Avenue Subway in Brooklyn from 86th to 95th Streets.
- (3) Nassau Street line in Manhattan.
- (4) Crosstown Line in Brooklyn and Queens.
- (5) The extension of the Broadway Subway in Manhattan North from Seventh Avenue and 59th Street to Washington Heights.

The status of those projects is:

Within the year, the plans and designs for the extension of the Corona route to Flushing have been completed, contracts in part let, and work upon the subway section of this route actively commenced. The completed work will cost \$3,500,000.

Plans have been completed for the Bay Ridge extension from 86th to 95th Streets, in Brooklyn, and a contract for the entire length of this line let in December last. As your honorable board did not act upon this contract, the contractor withdrew his bid in March. If, however, it is your present desire that this extension go forward, the Commission is in a position to advertise without delay for new bids upon the present plans, and to start this work within the summer. The cost will be approximately \$1,850,000.

Plans for the first section of the Nassau Street Line have been completed and the advertisements for bids upon this are now running. The second Nassau Street section will be ready for advertisement the latter part of July. With prompt action this work, also, can be started during the summer. The cost of the entire Nassau Street route will be \$9,000,000.

The Transit Commission now asks that your Board take the necessary concurrent action to start two others of the projected lines; namely, the Crosstown Subway and the Washington Heights Extension, which are far more important in scope. In preparing these routes and general plans the Commission has revised its former plans so as to conform them substantially to those suggested by the Mayor. The detailed construction plans for these are still to be prepared, but cannot go forward until the routes themselves have had your formal approval.

BROOKLYN CROSSTOWN ROUTE

The plan for the Brooklyn Crosstown Line, as readopted, divides this line into four separate routes. One of these, the main route proceeding from Newtown Creek southerly to Fulton Street, Brooklyn, has been revised to agree with the corresponding route in the Mayor's plan. The route from Newtown Creek north to Queensboro Plaza is substantially identical, except that under the Commission's plan this will connect with both the Interborough and B. R. T. lines to Manhattan and to Corona and Astoria at the Plaza, and that the Mayor's plan for new construction does not go farther north than the Interborough Steinway Tunnel Line. The route the Commission now proposes from the intersection of Bedford Avenue and Fulton Street, South along Fulton Street to the present Fourth Avenue Subway at Ashland Place, will incidentally permit the eventual removal of the elevated tracks in Fulton Street and the construction of the badly needed "Ashland Place Connection."

The fourth route connects the Bedford Avenue and Fulton Street intersection to the south with the Brighton Beach Line, and would be serviceable for this purpose either now or at any future time if the Brighton Beach Line be excluded from the unified Brooklyn system and a new city line built to parallel it to Coney Island.

These routes are so adopted that the main route, which agrees with the Mayor's plan, can be approved at once leaving, if your board so desires, the approval of the connections for further consideration and discussion.

The cost of the Brooklyn Crosstown Line as herein presented would be \$68,000,000 if four tracks are laid throughout,—excepting on Fulton Street, where three would suffice,—or \$40,000,000 if two track construction is used throughout.

WASHINGTON HEIGHTS EXTENSION

The Commission's plan for the extension of the Broadway Subway from Seventh Avenue and 59th Street to Washington Heights as originally drawn and subsequently modified, included a turn under the angle of Central Park from 59th Street to 61st Street, thence up Central Park West and Seventh Avenue to St. Nicholas Avenue and thence to 162nd Street at Amsterdam Avenue. This extension was proposed as a two track line. The Mayor's corresponding plan carried a line up Central Park West to 72nd Street and thence into Amsterdam Avenue and north to the Heights. The Mayor's plan, however, has, we understand, been modified within the past several weeks. The route now drawn and to be submitted to your Board is a composite of the Commission's original plan and the Mayor's present plan, with which it may now be said to be identical. As submitted to you, it will run north on Central Park West from 61st or 64th Streets to 110th Street, and from that point follow Manhattan and St. Nicholas Avenues to West 162nd Street. It would carry two tracks on Central Park West, but makes provision for four tracks north of an appropriate point, two of which eventually would connect either with the Commission's proposed Eighth Avenue Line or with some analogous line from Washington Heights south, still to be agreed upon. The cost of the extension now proposed would be approximately \$45,000,000.

A new trunk line of enormous capacity from downtown to Washington Heights, running the full length of Manhattan, and serving various crosstown feeders, will remain an imperative necessity. That, in the judgment of the Commission, should proceed along Eighth and Amsterdam Avenues, and the modified plan for the Broadway-Washington Heights extension now submitted would not interfere with it.

The need for additional rapid transit facilities in the Borough of Queens is also very pressing, although in the judgment of the Commission not as acute as in Manhattan and Brooklyn. For this reason the Crosstown Subway and the Washington Heights Extension are given the right of way. The Commission's engineers are working on studies for a new rapid transit system in Queens, and the Commission expects to be able to transmit a proper route or routes therefor to your Board in the near future.

The description of the two routes now submitted, together with the plans of construction and other information, will be given in greater detail in the supplementary communications to follow.

NEW ROUTES APPROVED

The Commission, at a meeting held today, approved the layout covering the two routes aforesaid, and these will be forwarded tomorrow for the formal approval of your Board. The approval required at this stage, covers, of course, the choice of routes only, and does not involve any immediate appropriation of funds. It must be borne in mind, however, that the securing of consents of abutting property owners in each

case, in the manner required by law, will take some length of time; and, further, that the mere preparation of working plans for subways of these dimensions will consume from six months to a year. If, therefore, a start be made the present month upon the preliminaries incidental to either of these routes it will, nevertheless, be between next January and a year from the coming July before contracts can be let for either, and digging begun.

The five definite projects herein specifically referred to will cost, in all, for construction from \$100,000,000 to \$125,000,000, according to trackage allowances, and this undoubtedly would exhaust the full amount of funds the city will have available for subway purposes for a year ahead. The matter of the provision of funds whenever considered should in no degree interfere, for during the progress of any incidental discussion the engineers will be at work. In the meantime the preliminary approvals, as well as the preparation of working plans, should, for obvious reasons, be hastened to the utmost.

Questions of future operation, also, need cause no delay, as each of the lines now put forward will fit naturally in any operating system of the future, whether as extensions under existing operating contracts, or under direct municipal authority, or otherwise.

The Commission again urges that, in view of the extreme public need, the start upon substantial subway building as herein proposed be made with all speed. It again suggests that whatever differences of view may remain respecting other routes included in the five year program, or the engineering details of such routes, be taken up frankly and as promptly as your Board may desire, in conference.

Very respectfully,

TRANSIT COMMISSION,
GEORGE McANENY,
Chairman.

641—R. T. 7572

Agreement "BV"—Revised Form of Contract, Specifications, Invitation to Contractors, etc., for Miscellaneous Construction and Station Finish—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption, the proposed Invitation to Contractors, Information for Contractors, and Forms of Contract, Bond and Contractors Proposal, together with the Specifications and Contract Drawings for the miscellaneous construction and station finish on parts of the Broadway-Fourth Avenue, White Plains Road, Seventh Avenue-Lexington Avenue and Queensborough Subway Rapid Transit Railroads, in the Boroughs of Manhattan, The Bronx, Brooklyn and Queens;

Resolved, That said Invitation to Contractors, Information for Contractors, and Forms of Contract, Bond and Contractors Proposal, together with the Specifications and Contract Drawings for the miscellaneous construction and station finish on parts of the Broadway-Fourth Avenue, White Plains Road, Seventh Avenue-Lexington Avenue, and Queensborough Subway Rapid Transit Railroads, in the Boroughs of Manhattan, The Bronx, Brooklyn and Queens, be and are hereby approved and adopted, and that said Invitation to Contractors be published in The City Record, every day of publication, continuously from and including May 17, 1923, to and including June 1, 1923, and on May 21, 1923 and May 28, 1923, in the Journal of Commerce and Brooklyn Daily Eagle, daily newspapers published in the City of New York, and that such bids as shall be received shall, on the 1st day of June, 1923, at eleven-thirty (11:30) o'clock A. M., or at a later date, to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

642—R. T. 7497

Route No. 31—Certificate by Chief Engineer of Completion of Contract for Installation of Tracks in Livonia Avenue Yard—Resolution Accepting Work and Directing that Certificate be Filed with Comptroller

The following certificate was approved:

May 12, 1923.

To: TRANSIT COMMISSION

Certificate of Completion: Installation of Tracks, Livonia Avenue Yard, Route 31

In connection with the contract dated May 9, 1923, between the City of New York and B. T. & J. J. Mack for installation of tracks in the Livonia Avenue Yard, Route 31, I hereby certify that all work was completed on April 28, 1923. The total cost of the work was \$88,196.26.

In accordance with the provisions of the contract all work should have been completed by December 14, 1922. The time for completion, however, was extended to April 28, 1923, by resolution of the Transit Commission adopted on May 8, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The contract dated May 9, 1922, between The City of New York, acting by the Transit Commission, and B. T. & J. J. Mack, for the installation of tracks in the Livonia Avenue Yard of the Eastern Parkway Rapid Transit Railroad (Route No. 31), required the completion of all work thereunder on or before December 14, 1922, which time was extended to and including April 28, 1923, by resolution of the Transit Commission adopted on May 8, 1923; and

Whereas, By communication dated May 12, 1923, the Chief Engineer of this Commission has reported that all the work required under said contract was in all respects completed on or before April 28, 1923; that the total cost therefor was \$88,196.26 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York;

Resolved, That said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

643—R. T. 7460

Agreement "AU"—Certificate by Chief Engineer of Completion of Contract for Miscellaneous Construction and Station Finish, Group I—Resolution Accepting Work and Directing that Certificate be Filed with Comptroller

The following certificate was approved:

May 12, 1923.

To: TRANSIT COMMISSION

Certificate of Completion—Agreement "AU"—Group I

In connection with the contract dated June 6, 1922, between the City of New York and Norman A. Deiser for miscellaneous construction and station finish work, Agreement "AU," Group I, I hereby certify that all work was completed on August 10, 1922. The total cost of the work was \$1,658.51.

In accordance with the provisions of the contract all work should have been completed by October 8, 1922. As all work was completed within the contract time, there are no liquidated damages to be assessed.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The contract dated June 6, 1922, between The City of New York, acting by the Transit Commission and Norman A. Deiser for Miscellaneous Construction and Station Finish (Agreement "AU"), Group I, required the completion of all work thereunder on or before October 8, 1922; and

Whereas, The Chief Engineer of this Commission by communication dated May 12, 1923, has reported that all the work required under said contract was in all respects completed within the contract time or on or before August 10, 1922; that the total amount due therefore was \$1,658.51 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

Resolved, That said report and recommendation be and the same hereby is approved; that the work so performed be and hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

644—R. T. 7536

Route No. 8, Sections Nos. 1 to 5—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Furnishing Additional Ballast for Crossover East of First Avenue Station Under Contract for Installation of Tracks—Approval Resolution

A report was presented from the Chief Engineer dated May 14, 1923, recommending the establishment of a supplementary schedule item, as described below.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item No. 3000 of the contract dated October 25, 1922, between The City of New York, acting by the Commission, and the T. H. Reynolds Contracting Company, Inc., for the installation of tracks for the 14th Street-Eastern Line, Route No. 8, Sections 1 to 5, inclusive, having, subject to the approval of the Commission, agreed with said contractor upon the following schedule item:

Item No. 1-X. For furnishing and placing additional Class "A" ballast between the tracks at the site of the proposed crossover east of the First Avenue Station and all work in connection therewith, for the sum of \$4.25 per cubic yard.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

645—R. T. 5006

Agreement "CI"—Application by Joseph W. Edwards, Second Lowest Bidder, for Return of Security Deposited with Bid for Making Test Borings—Application Granted

An application dated May 11, 1923, was presented from Joseph W. Edwards, second lowest bidder, requesting the return of the security in the sum of \$300 deposited with his bid on April 19, 1923, for making test borings at sites of proposed Coney Island and Westchester Storage Yards and for extension of Seventh Avenue Subway Line under Central Park West, Agreement "CI."

Upon motion, duly seconded and adopted, the application was granted.

646—R. T. 7640

Order No. 8—Resolution Approving Surety Upon Bond in Sum of \$2,000 Deposited by Contractor for the Supply of Ties and Timber—Adopted

The following resolution was adopted:

Resolved, That the American Surety Company of New York be and hereby is approved as surety upon the bond in the sum of Two thousand dollars (\$2,000) deposited by Alfred R. Sax Lumber Company as security for the faithful performance of the contract for the supply of ties and timber, Order No. 8, for use in the construction of rapid transit railroads.

647—R. T. 7642

Agreement "CK"—Resolution Approving Sureties Upon Bond in Sum of \$10,000 Deposited by Contractor for Excavation and Construction of Retaining Wall at Lenox Avenue Yard—Adopted

The following resolution was adopted:

Resolved, That the Royal Indemnity Company and the Eagle Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Ten thousand dollars (\$10,000) deposited by Fox-Reynolds Company, Inc., as security for the faithful performance of the contract for excavation and the construction of a retaining wall at the Lenox Avenue Yard, Seventh Avenue, between 148th and 150th Streets, Borough of Manhattan, each of said sureties being held and bound in the sum of Five thousand dollars (\$5,000).

648—R. T. 7638

Order No. 22—Resolution Approving Sureties Upon Bond in Sum of \$5,000, Deposited by Contractor for Supply of Special Work—Adopted

The following resolution was adopted:

Resolved, That the United States Guarantee Company and the Guarantee Company of North America be and hereby are approved as sureties upon the bond in the sum of Five thousand dollars (\$5,000) deposited by Railway Switch & Crossing Corp. as security for the faithful performance of the contract for the supply of special work and track fittings, Order No. 22, for use in various parts of the Dual System of Rapid Transit Railroads, each of said sureties being held and bound in the sum of Two thousand, five hundred dollars (\$2,500).

649—R. T. 6924

Routes Nos. 4 & 38, Section No. 6—Proposed Permit by Interborough Rapid Transit Company to Gilbur Corporation to Install Water Service Pipe Through Ventilator in Front of Premises at Northeast Corner of West 37th Street and Seventh Avenue—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Jarcho Bros., Inc., dated May 9, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company to the Gilbur Corporation to install a water service pipe through the subway ventilator of the Seventh Avenue Line, in front of the premises at the northeast corner of West 37th Street and Seventh Avenue.

A report was presented from the Chief Engineer, dated May 11, 1923, stating that the permit is satisfactory and recommending that it be approved.

The following resolution was adopted:

Whereas, By communication dated May 9, 1923, from Jarcho Bros., Inc., there has been submitted for the approval of this Commission a proposed permit dated May 2,

1923, proposed to be issued by Interborough Rapid Transit Company to Gilbur Corporation and accepted by said Gilbur Corporation under date of May 2, 1923, granting the right to install a 4-inch water service pipe through the ventilating chamber of the municipal rapid transit railroad under and along Seventh Avenue in the Borough of Manhattan, in front of the premises located on the northeast corner of 37th Street and Seventh Avenue; and

Whereas, The Chief Engineer of this Commission by communication dated May 11, 1923, has reported that said proposed permit has been examined and found to be satisfactory from an engineering standpoint; and

Whereas, The Counsel to this Commission has examined said proposed permit and finds no objection thereto,

Resolved, That said proposed permit so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

650—R. T. 6924

Route No. 5, Section No. 9—Proposed Permit by Interborough Rapid Transit Company to Consolidated Telegraph & Electrical Subway Company to Install Electric Service Connection Through Ventilator in Front of No. 1042 Lexington Avenue—Report by Chief Engineer Recommending Approval—Approval Resolution

A proposed permit was presented, issued by the Interborough Rapid Transit Company to the Consolidated Telegraph & Electrical Subway Company, to install an electric house service connection through the subway ventilator of the Lexington Avenue Line in front of the premises at No. 1042 Lexington Avenue.

A report was presented from the Chief Engineer dated May 10, 1923, stating that the permit is satisfactory and recommending that it be approved.

The following resolution was adopted:

Whereas, By communication dated April 30, 1923, E. S. Callahan, Chief Engineer of the Consolidated Telegraph & Electrical Subway Company, has submitted for the approval of this Commission a proposed permit dated April 18, 1923, proposed to be issued by Interborough Rapid Transit Company to, and accepted, under date of April 18, 1923, by Consolidated Telegraph & Electrical Subway Company, granting the right to cut through the ventilator of the municipal rapid transit railroad under and along Lexington Avenue, in the Borough of Manhattan, in front of the premises known as 1042 Lexington Avenue, for the purposes of installing an electric house service; and

Whereas, The Chief Engineer of this Commission, by communication dated May 10, 1923, has reported that said proposed permit has been examined and found to be satisfactory from an engineering standpoint and recommends its approval; and

Whereas, Counsel to the Commission has examined said proposed permit and finds no objection thereto,

Resolved, That the said proposed permit so submitted be and the same hereby is approved; that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission, made part of said proposed permit.

651—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Furnishing Fire Brick for Additional Boilers at 59th Street Power House—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated April 16, 1923, requesting approval of a proposed purchasing agent's order directed

to the General Refractories Co., for furnishing fire brick to be used in lining the furnaces of the new boilers to be installed at the 59th Street power house, at a cost of \$3,312.00.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 5, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment and assigning Work Order No. IBA-7.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated April 16, 1923, has requested the approval of this Commission to the issuance of a purchasing agent's order dated April 16, 1923, directed to General Refractories Co. for the following:

72,000 "A" fire Brick
Price: \$46.00 Per M..... \$3,312.00
Delivery to begin July 1st, 1923, to our
59th Street and 11th Avenue Power Station

which proposed purchasing agent's order has been caused to be designated as Approval No. 477; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated May 5, 1923, reported that such material is to be used in lining the furnaces of the new boilers to be installed at the 59th Street Power House at a cost of \$3,312; that such work is part of the power plant addition authorized by this Commission; that the quantity of material is reasonable; that the price is satisfactory and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated May 9, 1923, has recommended that the cost of such material be classified as Additional Equipment of the Railroad and that Work Order No. IBA-7 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such material to be classified as Additional Equipment for the Railroad and to which this Commission assigns Work Order No. IBA-7.

652—R. T. 6969, 7235, 7354

Contract No. 3—Stipulation with Interborough Rapid Transit Company Extending Time to June 14, 1923, Within which to Agree Upon Successor to Hon. Luke D. Stapleton as Third Arbitrator in Proceedings with Respect to Operating Expenses and Classification and Amount of Depreciation—Approved

A stipulation was approved with the Interborough Rapid Transit Company dated May 4, 1923, extending to June 14, 1923, the time of the Commission and the Interborough Rapid Transit Company to agree upon the successor to the late Luke D. Stapleton, as the third arbitrator in the two pending arbitrations, the first having to do with objections dated November 24, 1920 and January 28, 1921, of the former Transit Construction Commissioner with respect to certain operating expenses and the second having to do with the classification and amount of depreciation and excess maintenance deductible under Contract No. 3 and the Extension Certificate to June 30, 1920.

653—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Form of Contract, Specifications, etc., for Manufacture and Erection of Steam Heating Systems for Inspection Sheds and Buildings in 180th Street and Livonia Avenue Yards—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated April 17, 1923, requesting approval of a form of contract, specifications, etc., for the manufacture and erection of steam heating systems for the inspection sheds and other buildings at the 180th Street and Livonia Avenue Yards.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 15, 1923, stating that the proposed heating plants are essential and that the estimated cost of \$75,000. is reasonable and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3, said Interborough Rapid Transit Company by communication dated April 17, 1923, has submitted for the approval of this Commission proposed Invitation to Contractors, and Forms of Contract, Bond, Contractor's Proposal and Specifications for the manufacture and erection of a steam heating system for the inspection shed, oil house, signal tower and crew room buildings in 180th Street and Livonia Avenue Yards of the Railroad defined in said contract and has also requested the inviting of bids from a select group of contractors in lieu of public advertisement; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated May 15, 1923, reported that the said proposed heating plants are essential and form part of the Equipment as defined in said Contract No. 3; that the form of Invitation to Contractors, Contract, Bond and Contractor's Proposal and Specifications so submitted are satisfactory from an engineering standpoint; that the cost of the proposed work in the 180th Street Yard is \$40,000 and that in the Livonia Avenue Yard \$35,000 and recommend that the said instrument so submitted be approved and that the said Interborough Rapid Transit Company be permitted to invite bids from the said select group of contractors as more particularly therein set forth; and

Whereas, The Auditor of Rapid Transit Costs has recommended Equipment of the Railroad as the proper classification of said work; and

Whereas, Counsel to the Commission has examined said Invitation to Contractors and Forms of Contract, Bond, Contractor's Proposal and Specifications so submitted and finds no objection thereto,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said Invitation to Contractors, Forms of Contract, Bond, Contractor's Proposal and Specifications for the performance of said work be and the same hereby are approved and that said Interborough Rapid Transit Company be and hereby is authorized to invite bids from the list of contractors set forth in the engineer's report aforesaid in lieu of public advertising for bids for the performance of the work under the said form of contract hereby approved.

654—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Carload of Brick to be Used in Connection with Installation of New Boilers at 59th Street Power House—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated April 27, 1923, requesting approval of a proposed purchasing agent's order directed to the Celite Products Company for furnishing one carload of brick at an approximate cost of \$2,070 to be used in connection with the installation of new boilers at the 59th Street Power House.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated May 12, 1923, stating that the cost is reasonable and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment to be performed under Work Order No. IBA-7.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3 said Interborough Rapid Transit Company by communication dated April 27, 1923, has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated April 27, 1923, directed to the Celite Products Company for the following:

- 1 Carload of Sil-o-Cel Brick, consisting of approx. 30 M. brick with sufficient clay for installing.
Price: \$69.00 Per M.
1% ten days.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 478"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated May 12, 1923, reported that said brick is to be used in connection with the installation of the two new Babcock and Wilcox boilers at the 59th Street power house as heretofore authorized to which work this Commission assigned Work Order No. IBA-7; that the approximate cost is \$2,070 which is reasonable; that no bids were received inasmuch as the material is a mineral which only said company can furnish and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated May 12, 1923, has recommended the approval of said purchasing agent's order and the classification of Additional Equipment for the Railroad under Work Order No. IBA-7 heretofore assigned as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

655—R. T. 6668

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Installation of Drip Pans Under Elevator Structure at East End of West 8th Street Station, Coney Island—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Municipal Railway Corporation, dated May 11, 1923, requesting approval of a proposed purchasing agent's order directed to Thomas Drysdale, Inc., for installing and painting drip pans under the elevator structure at the east end of the West 8th Street station, Coney Island, for the lump sum price of \$4,767.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 25, 1923, stating that the drip pans are necessary and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Reconstruction of Existing Railroads.

The following resolution was adopted:

Whereas, By resolution adopted November 22, 1922, this Commission approved a proposed agreement between the Prospect Park and Coney Island Railroad Company and New York Municipal Railway Corporation and Lindley M. Garrison as Receiver of said New York Municipal Railway Corporation providing for the conveyance of permanent easements for the construction, maintenance and operation of the elevated railroad structure known as the Culver Line connecting from Sheepshead Bay Road to the Coney Island Terminal under and in pursuance of the provisions of the contract dated March 19, 1913, between The City of New York and the said New York Municipal Railway Corporation, known as Contract No. 4 as part of the Reconstruction of Existing Railroads as defined in said Contract No. 4; and

Whereas, By communication dated May 3, 1923, the Receiver of said New York Municipal Railway Corporation has submitted for the approval of this Commission a proposed purchasing agent's order dated May 2, 1923, directed to Thomas Drysdale, Inc. for the following:

Furnish labor, material, etc. necessary to install and paint drip pans under the Elevated Railroad Structures at the east end of the West 8th Street Station, Coney Island, as indicated upon our Drawing C-5681, and as called for in our specifications dated April 17, 1923

For the lump sum price of..... \$4,767.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 346"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported by communication dated May 15, 1923, that the following bids were received for said work:

Thos. Drysdale, Inc.....	\$4,767
R. H. Brown	7,193
J. H. Duncan, Inc.....	8,450
A. J. Pratt	8,218
G. F. Driscoll Co.....	10,400
Rosenthal Engineering Contracting Co.....	No bid
Edwards & Flood	No bid
Necaro Co., Inc.	No bid

that the drip pans are necessary; that the prices are the best obtainable and are reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated May 15, 1923, has recommended the approval of said proposed purchasing agent's order as Reconstruction of Existing Railroads in accordance with the Commission's approval of November 22, 1922, aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

656—Gen. 1772, R. T. 6695

Contract No. 4—Application by New York Consolidated Railroad Company for Extension of Time to July 15, 1923, Within which to Complete Plans, Specifications and Estimate of Cost for Installation of Signal System on One Mile of Local Track—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approved

An application was presented from the New York Consolidated Railroad Company dated May 9, 1923, requesting an extension of time to and including July 15, 1923, within which to complete plans, specifications and estimate of cost for installing a speed control system of signals with automatic stops on one mile of local track on the elevated railroads.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 12, 1923, recommending that the extension of time be granted and transmitting a form of reply.

Upon motion duly seconded and adopted the Secretary was authorized to sign and forward the form of reply granting such extension of time.

657—R. T. 6998

Contract No. 4—Opinion by Commissioner O'Ryan Recommending Construction of Station at Williamsburg Bridge Plaza, Brooklyn, in Accordance with Site Proposed by Chief Engineer—Approved

An opinion was presented from Commissioner O'Ryan dated May 11, 1923, advising of his examination of the proposed sites for the construction of a station on the Broadway Elevated Line in the vicinity of Williamsburg Bridge Plaza, Borough of Brooklyn, and recommending approval of the station site at the Plaza as proposed by the Chief Engineer. Upon motion duly seconded and adopted the opinion was approved.

658—Gen. 3396

Rapid Transit Railroads—Reports by Committee on Toilet Improvements and Acting Chief Executive Officer Making Recommendations with Respect to Improvement of Toilet Conditions in Subway and Elevated Stations—Copy of Communication to Commissioner of Health—Approved

A report dated March 19, 1923, was presented from Dr. Edward Levy, Messrs. A. I. Raisman, C. M. Kendall, Albert Goertz, William L. Selmer, as Committee on Toilet Improvements, making recommendations for the improvement of toilet conditions in subway and elevated stations with respect to present and future work.

A report dated May 5, 1923, was presented from the Acting Chief Executive Officer, stating that the recommendations should be approved.

Upon motion, duly seconded and adopted, the reports and a copy of the following communication were approved:

May 15, 1923]

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May 8, 1923.

DR. FRANK J. MONAGHAN,
Commissioner of Health,
New York City.

My dear Commissioner:

Some time ago I directed that an investigation be made of the toilet facilities in the subways, and am now in receipt of the enclosed report, made by a committee of members of the staff of the Commission, with Dr. Levy, the Commission's physician, acting as chairman.

As the matter of the installation and maintenance of toilet facilities on rapid transit lines may present questions in which your department is interested and has special knowledge, I would appreciate it—if it accords with your wishes—if you would have this report reviewed by your department and let the Commission have the benefit of its advice and suggestions.

Respectfully yours,

LEROY T. HARKNESS,
Commissioner.

659—R. T. 7005

Contract No. 4—Communication from New York Municipal Railway Corporation Requesting Approval of Arrangement for Furnishing Additional Power Required for Increased Train Operation—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuation Classifying Work and Assigning Work Order Numbers—Approval Resolution

A communication was presented from the New York Municipal Railway Corporation dated March 23, 1923, requesting approval of general arrangements for furnishing additional power required for increased train operation at an approximate cost of \$510,000.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 14, 1923, recommending that the application be approved with the understanding that purchasing agent's orders and contracts will be submitted for approval.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuation dated May 15, 1923, classifying the work and assigning Work Order Numbers.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, and pursuant also to the provisions of the certificate dated March 15, 1913, granted to The City of New York for certain elevated extensions known as the Extension Certificate, W. S. Menden as General Manager for Lindley M. Garrison, as Receiver of said New York Municipal Railway Corporation, has, by communication dated March 19, 1923, requested the approval of this Commission for certain plans showing Additions to substation and feeder equipment; and

Whereas, the Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated May 14, 1923, has stated that the plans propose the following:

1. The installation of four 2,000,000 c.m. feeder cables from Interborough Substation No. 13 to the Broadway-Fourth Avenue Subway at 53rd Street and Seventh Avenue.

2. The installation of a 2000 K.W. rotary converter and accessories in the Richmond Hill Substation.

3. The installation of a 4000 K.W. rotary converter and accessories in the Hudson Substation.

4. The construction of an addition to the Kings Highway Substation building. The installation of 2000 K.W. rotary converter and accessories in the substation, together with a duct line and other equipment necessary for the supply of power from the said substation to the Brighton Beach Line.

5. The location of a new substation for the Railroad at Avenue T adjacent to the Sea Beach Line, the acquisition of the necessary real estate, and the construction of the said substation complete with all equipment and necessary duct and feeder connections to the West End Line and the Culver Line of the Railroad and the Sea Beach Line of the Existing Railroads.

; that the additional equipment is necessary to provide for the increased loads expected during the coming winter and recommend that the said proposal and plans be approved; and

Whereas, The Auditor of Rapid Transit Costs has, by communication dated May 15, 1923, recommended the classification and assignment of the work order numbers as hereinafter indicated,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said plans and proposals so submitted be and the same hereby are approved upon condition that the work be classified as hereinafter indicated:

1. The installation of four 2,000,000 c.m. feeder cables from Interborough Substation No. 13 to the Broadway-Fourth Avenue Subway at 53rd Street and Seventh Avenue, which work is classified as Additional Equipment for the Railroad and as to which unit this Commission assigns Work Order No. MBA-22.

2. The installation of a 2000 K.W. rotary converter and accessories in the Richmond Hill Substation, which work is classified as Additions to Elevated Extensions and as to which unit this Commission assigns Work Order No. MEA-6.

3. The installation of a 4000 K.W. rotary converter and accessories in the Hudson Substation, which work is classified as Additions to Existing Railroads and as to which unit this Commission assigns Work Order No. MCA-24.

4. The construction of an addition to the Kings Highway Substation building. The installation of 2000 K.W. rotary converter and accessories in this substation, together with a duct line and other equipment necessary for the supply of power from the said substation to the Brighton Beach Line and the installation of an additional high tension cable, which work is classified as Additions to Existing Railroads and as to which unit this Commission assigns Work Order No. MCA-25, it being understood that the cost of the extension to the substation building for housing said equipment shall not be included in the cost of the work hereby approved.

5. The location of a new substation for the Railroad at Avenue T adjacent to the Sea Beach Line, the acquisition of the necessary real estate, and the construction of the said substation complete with all equipment and necessary duct and feeder connections to the West End Line and the Culver Line of the Railroad and the Sea Beach Line of the Existing Railroads, which work is classified as Additional Equipment for the Railroad and as to which unit this Commission assigns Work Order No. MBA-23, it being understood that the title to the real property owned by the New York Municipal Railway Corporation and upon which said substation is to be erected shall be transferred to The City of New York, in accordance with the provisions of said Contract No. 4, without profit of any kind to the said New York Municipal Railway Corporation.

The foregoing approvals are upon condition that the cost of taking down, transporting, reinstalling and reconstructing units and structures operated by the New York Consolidated Railroad Company, if any, in connection with any of the above work shall be charged to Maintenance under said Contract No. 4.

It is further understood that the foregoing approvals are upon the condition that the cost of taking down, transporting, reinstalling and reconstructing units and structures operated by the Brooklyn Rapid Transit Company, if any, shall be carried in the Brooklyn Rapid Transit Company's accounts under the so-called Power Agreement.

It is further understood that the foregoing approvals shall be without prejudice to the Commission's contention that the ten-year period of suspension of the obligation of New York Municipal Railway Corporation to install Equipment, including power facilities for the Railroad under said Contract No. 4 will expire on August 4, 1923, and that therefore the so-called Power Agreement will not have application thereafter.

660—R. T. 6416

Routes Nos. 36 and 37—Joint Application by Interborough Rapid Transit Company and New York Municipal Railway Corporation and New York Consolidated Railroad Company for Approval of Proposed Agreement for Joint Operation of Portions of Steinway Tunnel Line—Approval Resolution

A joint application was presented from the Interborough Rapid Transit Company and the New York Municipal Railway Corporation and New York Consolidated Railroad Company, dated May 14, 1923, requesting approval of a proposed agreement supplementing the Supplementary Agreement dated March 19, 1913 with respect to trackage rights and joint operation of portions of the Steinway Tunnel Line.

The following resolution was adopted:

Whereas, By communication dated May 14, 1923 Frank Hedley as President and General Manager of Interborough Rapid Transit Company and W. S. Menden as General Manager for the Receiver, of New York Municipal Railway Corporation and of New York Consolidated Railroad Company have, pursuant to the provisions of the contracts dated March 19, 1913 between The City of New York and said companies known respectively as Contract No. 3 and Contract No. 4, submitted for the approval of this Commission a proposed agreement between said Interborough Rapid Transit Company and said New York Municipal Railway Corporation and New York Consolidated Railroad Company and their respective receivers, supplementing the Supplementary Agreement dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, Interborough Rapid Transit Company and New York Municipal Railway Corporation with respect to the exercise of trackage rights and joint operation over subdivisions III, IV, and V of the Steinway Tunnel Line, as described in said contracts; and

Whereas, Said proposed Supplementary Agreement has been examined by the Engineer of Equipment and Operation, Auditor of Rapid Transit Costs and Counsel of this Commission, who find no objection thereto, and recommend the approval of said proposed agreement as so submitted upon the condition as hereinafter provided,

Resolved, That said proposed agreement, supplementing the Supplementary Agreement aforesaid, be and the same hereby is approved, provided, however, that the approval herein given or anything herein contained shall be not construed or deemed to be an admission that all the obligations of The City of New York under the said Contracts Nos. 3 and 4 in respect of the grant of trackage rights and joint operation over said subdivisions III, IV and V of the said Steinway Tunnel Line have not been in all respects fully completed and complied with.

661—Case 1689

Manhattan and Queens Traction Corporation—Application for Authority to Permit Smoking in Cars—Report by Chief of Transit Bureau—Order Suspending Order in Effect so as to Permit Smoking on Three Rear Seats of Cars While Windows are Open—Suspension Order Adopted

The Secretary presented an application, dated May 4, 1923, from B. W. Duncan, General Manager for Manhattan & Queens Traction Corporation, requesting that the Commission modify its Order in Case No. 1689, which prohibits smoking in certain types of cars, so as to permit smoking on the three rear seats of such cars while the windows

are open, together with a report thereon, dated May 11, 1923, from the Chief of Transit Bureau, recommending that the application be granted.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 1689, suspending the Order therein, adopted August 1, 1913, as amended September 16, 1913, so as to permit smoking as aforesaid until October 15, 1923.

662—Case 2686

Bush Terminal Railroad Company—Application for Permission to Exercise Right to Construct and Operate Additional Spur Track in 41st Street, Brooklyn—Hearing Order Adopted

The Secretary presented a petition, verified May 8, 1923, of the Bush Terminal Railroad Company, asking for permission to exercise the right to construct and operate an additional spur track in 41st Street, Brooklyn, authorized by resolution of the Board of Estimate and Apportionment on February 9, 1923, and approved by the Acting Mayor of The City of New York on February 19, 1923.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2686, directing a hearing on May 28, 1923 at 10:30 A. M., with respect to said application and further directing that notice of the hearing be given to The City of New York, the Bush Terminal Railroad Company, and to the Shipley Construction & Supply Company, and authorizing George L. Lucas, Acting Chief Executive Officer, to conduct said hearing, to take the testimony therein and report same to the Commission together with his opinion thereon for its decision and determination.

663—Case 2625

Eighth Avenue Railroad Company—Application for Authority to Issue Bonds Secured by Real Estate Mortgage—Supplemental Petition of Company for Amendatory Order Authorizing Issuance of Bonds for \$900,000 Secured by Mortgage on Real Estate—Hearing Order Adopted

The Secretary presented a supplemental petition, dated May 10, 1923, of the Eighth Avenue Railroad Company, asking for permission to amend its previous petitions therein, dated December 1, 1921 and February 10, 1922, respectively, and authorizing it to issue its bond secured by mortgage in the sum of \$900,000 on certain parcels of real property.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2625, directing a hearing on said application on May 22, 1923 at 10:30 A. M., and authorizing and designating George O. Redington, Counsel to the Commission, to conduct said hearing, to take the testimony therein and report same to the Commission together with his opinion thereon for its decision and determination.

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Investigation of Capital Additions—Report by Acting Chief Executive Officer Relative to Work of Commission Employees—Joint Report by Chief, Bureau of Accounting and Valuation and Engineer of Equipment and Operation—Reports Approved

The Secretary presented a report, dated May 5, 1923, by the Acting Chief Executive Officer advising that as a result of an examination into value of work of employees

of Commission engaged in investigation of capital additions, it was found that much of the work was more properly the function of the Public Service Commission and recommending that the records and statements concerning the investigation be retained in the files of the Commission and that the four employees then assigned to such work be assigned other duties in the Bureau of Equipment and Operation.

The Secretary also presented a joint report dated May 1, 1923, by the Engineer of Equipment and Operation and the Chief of Bureau of Accounting and Valuations concerning the matter.

Thereupon the above mentioned reports were approved.

665—Case 2661

Third Avenue Railway Company—Forms of Annual Report to be Filed by Common Carriers Within the Jurisdiction of the Commission other than Steam Railroad Corporations—Resolution Requiring Amendment of Annual Report Adopted

The Secretary presented a report, dated May 9, 1923, from H. S. Fischer, Statistician, approved by the Chief of the Bureau of Accounting and Valuations, advising that the Third Avenue Railway Company in its annual report to the Commission charged certain payments out of its gross receipts for the use of certain tracks on Fort George Avenue owned by The City of New York to the account, "Taxes Assignable to Street Railway Operations." The Secretary also presented a report, dated May 10, 1923, by Assistant Counsel Stover, approved by Counsel to the Commission advising that the payments should be reported by the Company as rentals and transmitting a proposed resolution for service on the Company.

Thereupon, the Commission adopted and ordered filed a resolution in Case No. 2661, in the following form:

Whereas, The Commission believes the annual report of the Third Avenue Railway Company for the year ended June 30, 1922, to be erroneous, in that it reports the annual payments made to The City of New York for the right to use the city-owned tracks on Fort George Avenue, in the Borough of Manhattan, City of New York, under the contract made and executed by and between The City of New York and the Third Avenue Railway Company on February 16, 1916, as taxes rather than as rentals, it is hereby

Resolved, That the said Third Avenue Railway Company be notified to amend its said annual report for the year ended June 30, 1922, by transferring the accruals and payments to The City of New York for the use of the tracks on Fort George Avenue, under the terms of the contract made and executed by and between The City of New York and the Third Avenue Railway Company on February 16, 1916, from the schedules of "Taxes" (520 A-D) on pages 58 and 59 to schedule 533, "Miscellaneous Rent Deductions" (922g) page 63 of said report and by making all other changes which may be necessary in order to bring the entries in said report into conformity with the classification of the accruals and payments under the said contract of February 16, 1916, as rentals and with the transfer directed above.

Further Resolved, That the said Third Avenue Railway Company make said amendments on or before the first day of June, 1923.

TRANSIT COMMISSION,
By JAMES B. WALKER,
Secretary.

666—S. P. 747

New York and Queens County Railway Company—Lincoln C. Andrews, Receiver—New Tariff Showing Operation Between Junction Avenue and Sanford and Parsons Avenues, Flushing—S. P. No. 747 Approved

The Secretary presented a petition, verified May 12, 1923, of Lincoln C. Andrews, Receiver of the New York and Queens County Railway Company, asking for permission to put into effect after publication new tariff showing change in Local Passenger Tariff No. 1, Original Sheet No. 7, so as to provide operation from 1:00 A. M. to 5:00 A. M., instead of during the entire 24 hours of the day on that portion of the company's railroad operated between Junction Avenue and Sanford and Parsons Avenues, Flushing. The Secretary also presented reports, dated May 2, and May 4, 1923, by the Chief of the Transit Bureau, and an Opinion, dated May 9, 1923, by Assistant Counsel Stover, approved by Counsel to the Commission with respect to the matter. The Secretary also represented his report, dated May 14, 1923, recommending that the application be granted as it was simply for the purpose of correcting an error as to the time of the service referred to which was not discovered by the Receiver at the time the original tariff sheet was presented.

Thereupon, the Commission approved and ordered filed Special Permission No. 747, granting the desired permission.

667—Cases 2182, 2218, 2306, 2627, 2662

Interborough Rapid Transit Company—Application for Authority to Issue Notes and Pledge Bonds—Communication from Company Transmitting Copy Equipment Trust Agreement, Lease Agreement and Statement of Satisfaction of Prior Equipment Trust Agreement—Filed

The Secretary presented a communication, dated May 3, 1923, from H. M. Fisher, Secretary of the Interborough Rapid Transit Company, transmitting for filing, printed copy of Equipment Trust Agreement, dated March 15, 1923, entered into by the Company with the Rapid Transit Subway Construction Company, Vendor, and The New York Trust Company, Trustee, together with Lease Agreement annexed thereto, dated the same date, entered into with The New York Trust Company, and a copy of statement of satisfaction of the Equipment Trust Agreement, dated July 15, 1922.

Thereupon, the above mentioned papers were ordered filed.

668—Case 2669

Annual Reports—Report by Chief of Bureau of Accounting and Valuations as to Filing of Annual Reports—Filed

The Secretary presented a report, dated May 11, 1923, by the Chief of Bureau of Accounting and Valuations, approved by the Acting Chief Executive Officer, advising that annual reports had been filed with the Commission pursuant to the Order in Case No. 2669, by all Steam Railroad Corporations subject to the jurisdiction of the Commission.

Thereupon, the above mentioned report was ordered filed.

669—R. T. 6616

Contract No. 2—Communication from Chief Engineer Transmitting Determination of Value of Work and Materials Omitted by Reason of Agreement for Change in Alignment at Borough Hall Station—Filed

The following communication from the Chief Engineer was ordered filed:

May 12, 1923.

To TRANSIT COMMISSION,

Contract No. 2—Determination of value of work and materials omitted by reason of the modifying agreement dated January 26, 1905.

Pursuant to the provisions of the contract dated July 21, 1902, between the City of New York, acting by the Board of Rapid Transit Railroad Commissioners for the City of New York and Rapid Transit Subway Construction Company, for the construction and operation of the Brooklyn-Manhattan Rapid Transit Railroad, known as Contract No. 2, and complying with the request contained in a letter from the Rapid Transit Subway Construction Company to the Commission dated March 23, 1923, I have made my determination in writing and in duplicate of the reasonable value of work and materials omitted from Contract No. 2, by reason of the modifying agreement dated January 26, 1905.

One duplicate of said determination is filed with your Commission as successor to the "Board" referred to in Contract No. 2.

ROBERT RIDGWAY,
Chief Engineer.

670—R. T. 7118, 7103

Contract No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$750 for Driving Test Piles at Lenox Avenue and 148th Street Yard—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 4, 1923, was ordered filed:

(Cal. No. 42)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 10, 1923, the Board of Estimate and Apportionment does hereby consent to and authorize an appropriation of seven hundred and fifty dollars (\$750) for driving test piles as a part of the construction of the Lenox Avenue and 148th Street Yard (under Contract No. 3), *said work to be performed by the Department of Docks*; without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be seven hundred and fifty dollars (\$750); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding seven hundred and fifty dollars (\$750), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said work; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 4, 1923.

JAMES MATTHEWS,
Assistant Secretary.

671—R. T. 7449

Routes Nos. 4 & 38, Section No. 6-A—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$109.46 as City's Share of Additional Cost of Installing Experimental Control Railing at Times Square Station—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 4, 1923, was ordered filed:

(Cal. No. 43)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 10, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to and authorize an appropriation of one hundred and nine dollars and forty-six cents (\$109.46) for meeting the City's share of the additional cost of installing, as an experiment, a section of control railing at the Times Square Station of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad in order to permit of the quicker loading and unloading of passengers and a shorter stop at said station, the total additional cost of which experimental railing is two hundred and eighteen dollars and ninety-one cents (\$218.91); and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be one hundred and nine dollars and forty-six cents (\$109.46); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one hundred and nine dollars and forty-six cents (\$109.46), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied, in addition to the amount heretofore authorized, to the purposes of said installation; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 4, 1923.

JAMES MATTHEWS,
Assistant Secretary.

672—R. T. 7647

Routes Nos. 4 & 38, Section No. 5—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Issue of \$3,000 Tax Notes for Altering Subway Structure at Northeast Corner of Seventh Avenue and West 30th Street to Permit Widening of Roadway—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 4, 1923, was ordered filed:

(Cal. No. 44)

Resolved, By the Board of Estimate and Apportionment, that pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding three thousand dollars (\$3,000), which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which, to the amount of the par value thereof to be used for altering the subway structure at the northeast corner of 7th avenue and 30th street, in order to allow for the widening of the roadway at that location, under the jurisdiction of the President, Borough of Manhattan; said work to be performed under the supervision of the Transit Commission, in accordance with plans prepared, and to be paid for upon vouchers prepared and submitted by the Transit Commission and endorsed by the President of the Borough of Manhattan.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 4, 1923.

JAMES MATTHEWS,
Assistant Secretary.

673—R. T. 7617

Route No. 16—Communication from Acting Corporation Counsel Returning Approved as to Form Proposed Agreement for Additional Station Facilities at 161st Street Station—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated May 10, 1923, returning approved as to form a proposed agreement between the City of New York, Interborough Rapid Transit Company, and American League Baseball Club of New York, Inc., for the construction of additional station facilities at the 161st Street Station of the Jerome Avenue Line.

674—R. T. 7642

Agreement "CK"—Statement as to Execution and Delivery of Original Contract for Excavation and Construction of Retaining Wall at Lenox Avenue Yard—Contract Filed

An original contract was ordered filed, dated May 10, 1923, between the City of New York, acting by the Transit Commission and Fox, Reynolds Company, Inc., for excavation and construction of a retaining wall at the Lenox Avenue Yard, Seventh Avenue, between 148th and 150th Streets, Borough of Manhattan (Agreement "CK"), which contract had been executed on behalf of both parties and delivered on May 14, 1922.

675—R. T. 7638

Order No. 22—Statement as to Execution and Delivery of Original Contract for Supply of Special Work and Track Fittings—Contract Filed

The Commission ordered filed an original contract dated May 10, 1923, between The City of New York, acting by the Transit Commission and the Railway Switch & Crossing Corp. for the supply of special work and track fittings, Order No. 22, for use in the construction of various parts of the Rapid Transit Railroads, which contract had been executed on behalf of both parties and delivered on May 15, 1923.

676—R. T. 7479

Route No. 5, Section No. 15—Communication from Counsel Transmitting Original Mortgage in Sum of \$37,725 as Balance of Purchase Price for Property Sold at Public Auction at Southwest Corner of East 138th Street and Mott Avenue—Filed

A communication was ordered filed from Counsel dated May 11, 1923, transmitting an original mortgage dated March 16, 1923, from the Consolidated Parking Company, Inc., to the City of New York in the amount of \$37,725, as the balance of the purchase price for the property sold at public auction at the southwest corner of East 138th Street and Mott Avenue, Borough of The Bronx, which mortgage was recorded in the office of the Register of the County of The Bronx on March 23, 1923, in Liber 670 of Mortgages, at Page 294, and is indexed in Section 9 under Block 2339 on the Land Map of the County of The Bronx.

677—R. T. 6482

Route No. 26—Letter from Counsel Transmitting Original Recorded Agreement for Entrance to Jackson Avenue Station at Northeast Corner of Vernon Avenue and Fourth Street, Borough of Queens—Filed

A letter was ordered filed from Counsel dated May 8, 1923, transmitting an original agreement dated September 25, 1922, with Lawrence Laudisi for the construction of a stairway to the Jackson Avenue Station of the Steinway Tunnel Line through the premises at the northeast corner of Vernon Avenue and Fourth Street, Borough of Queens, which agreement was recorded in the office of the Clerk of Queens County on February 8, 1923, in Liber 2478, Page 452, Block 378 of Conveyances.

678

Employees' Resolution No. 143

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Edward A. Lanigan, inspector of equipment, at \$125.08 per month, to take effect May 14, 1923; Harry Lebedun, draftsman, at \$150.08 per month, to take effect May 14, 1923; Ellis Metzner, junior assistant, at \$125.08 per month, to take effect May 8, 1923.

Appointments under Rule VIII:4—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect May 14, 1923; Clarence Leader, draftsman, at \$150.08 per month, to take effect May 14, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect May 14, 1923; William H. Snow, engineering inspector, at \$150.08 per month, to take effect May 10, 1923; Robert J. Stimpfle, draftsman, at \$150.08 per month, to take effect May 11, 1923.

Appointment under Rule V:4—Ellen Hewith, janitress, at \$15.00 per month, to take effect May 16, 1923.

Appointment under Rule VIII:6—Fred Adinolfi, architectural draftsman, at \$150.08 per month, to take effect March 19, 1923.

Appointments under Rule XIII:4—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect February 13, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect March 6, 1923.

Resignations—G. Wallace Callahan, draftsman, at \$150.08 per month, to take effect April 14, 1923; Frank J. Campbell, inspector of equipment, at \$162.50 per month, to take effect May 21, 1923; Elton R. DeShaw, architectural draftsman, at \$150.08 per month, to take effect May 12, 1923; Albert Matter, junior engineer, at \$180.08 per month, to take effect May 26, 1923; J. S. Parker, draftsman, at \$150.08 per month, to take effect May 7, 1923; Louis Seufert, architectural draftsman, at \$150.08 per month, to take effect May 15, 1923; Ira B. Thomson, draftsman, at \$150.08 per month, to take effect May 19, 1923.

Rescission of Appointments under Rule VIII:4—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect February 13, 1923; Edward Schafer, engineering inspector, at \$150.08 per month to take effect March 6, 1923.

Rescission of Termination of Appointments under Rule VIII:4—Thomas A. Anderson, engineering inspector, at 150.08 per month, to take effect March 21, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect March 21, 1923.

Termination of Appointment under Rule VIII:4—Peter J. Lauritzen, architectural draftsman, at \$150.08 per month, to take effect May 15, 1923.

Termination of Appointment under Rule VIII:6—Fred Adinolfi, architectural draftsman, at \$150.08 per month, to take effect April 15, 1923.

Termination of Appointments under Rule XIII:4—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect March 21, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect March 21, 1923.

Leave of Absence with Pay—Joseph S. Harris, junior engineer, from April 6, 1923, to May 5, 1923.

Voucher Schedule No. 20

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct:

Vouchers Nos. 480-526, open market orders, \$2,317.64; Vouchers Nos. 265-280, miscellaneous bills, \$729.58; Voucher No. 10, special payroll, \$1,250.00; Vouchers Nos. 85-95, City payrolls, \$86,792.67; Voucher No. CM-9, State payrolls, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 113, Powers-Kennedy Contracting Corporation; approximate estimate No. 11 for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Routes Nos. 35 and 67, from April 1, 1923 to April 30, 1923 (R. T. 7584), \$87,171.21;

Voucher No. 114, Joslin Construction Co., Inc.; approximate estimate No. 9, for the reconstruction of a part of Route No. 26, Jackson Avenue station, from April 1, 1923, to April 30, 1923 (R. T. 7556), \$12,199.20;

Voucher No. 115, Holbrook, Cabot & Rollins Corporation; approximate estimate No. 11, for the construction of a new entrance to the 168th Street station, Manhattan-Bronx Railroad, from April 1, 1923, to April 30, 1923 (R. T. 6114), \$6,600.04;

Voucher No. 116, Gustin-Morris Contracting Corporation; approximate estimate No. 1, for the construction of Foundations, Route No. 52, Section No. 1, from March 23, 1923, to April 30, 1923 (R. T. 7670), \$3,710.04;

Voucher No. 117; Slatery Engineering & Construction Co., Inc.; approximate estimate No. 6 for the construction of additional approach work on track, Lenox Avenue and 148th Street Yard, under Contract No. 3 (R. T. 7366) \$22,997.50;

Voucher No. 118; John Pollock; approximate estimate No. 4, for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Railroad from April 1, 1923, to May 10, 1923 (R. T. 7609), \$1,573.25;

Voucher No. 120; B. T. & J. J. Mack; final estimate for installing tracks in the Livonia Avenue Yard, Route No. 31, to April 28, 1923 (R. T. 7497) \$10,006.76;

Voucher No. 122, Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 12 for the construction of inspection shed inclosure at Livonia Avenue Yard, Route No. 31, from March 1, 1923 to April 30, 1923 (R. T. 7520) \$5,627.27;

Voucher No. 123, Lindley M. Garrison, as Receiver of New York Consolidated Railroad Company, and New York Consolidated Railroad Company; approximate estimate No. 1 for distributing and installing covers, frames and asbestos lumber panels for low bench duct manholes, Contract No. 4, from November 20, 1922 to February 28, 1923 (R. T. 7596) \$1,259.23;

Voucher No. 124; George Colon & Company; approximate estimate No. 11, for the construction of Union Square Passageway connecting station, Routes Nos. 5 and 8, from April 1, 1923 to April 30, 1923 (R. T. 7513) \$1,677.85.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, May 16, 1923**Hearing**

The following hearing was held:

10 A. M.; Case 2679; Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan and Reorganization. Commissioner Harkness presided. Adjourned to May 18, 1923, at 10 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, May 17, 1923

681

Hearing

The following hearing was held:

11:30 A. M.; R. T. 7575; Draft form of contract for the construction of additional entrances at the Canal Street Station, Brooklyn Loop Lines. Commissioner Harkness presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, May 18, 1923

682

Hearing

The following hearing was held:

10 A. M.; Case 2679; Brooklyn Rapid Transit Company; Application of Stock holders' Committee for approval of Plan of Reorganization. Commissioners Harkness and O'Ryan presided. Adjourned to May 23, 1923, at 2 P. M.

683

Hearing

The following hearing was scheduled:

10:30 A. M.; Case 2684; The Long Island Railroad Company; Application of the City of New York for a determination as to the manner in which Cross Island Boulevard (Squire Street) shall be carried across the Main Line. Adjourned by direction of the Commission to May 21, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, May 21, 1923

684

Hearings

The following hearings were held:

10:30 A. M.; Case 2684; The Long Island Railroad Company; Application of the City of New York for a determination as to the manner in which Cross Island Boulevard (Squire Street) shall be carried across the Main Line of the Long Island Railroad Company. George L. Lucas, Acting Chief Executive Officer, presided. Hearing closed.

11:16 A. M.; Case 2685; The Long Island Railroad Company; Application of the City of New York for a determination as to the manner in which 211th Street (Bellaire Boulevard) shall be carried across the Main Line of the Long Island Railroad Company. George L. Lucas, Acting Chief Executive Officer, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, May 22, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

685—R. T. 7652**Route No. 45, Section No. 2—Receipt of Bids for Construction of Part of Broad Street and Nassau Street Route—Referred to Chief Engineer.**

Commissioner Harkness stated that the time within which to receive bids for the construction of Section No. 2 of Route No. 45, part of the Broad Street, Nassau Street Route, had elapsed at 11:30 A. M., and directed the Assistant Secretary to open the sealed box which had been provided for the deposit of said bids and read the bids received. The Assistant Secretary presented the proper affidavits of publication and opened the box and read the three bids received. The bids were then referred to the Chief Engineer.

686—R. T. 7522**Agreement "CM"—Form of Contract, Specifications, Invitation to Contractors, etc., for Modification of Railroad Structure East of Boulevard to Allow Raising of Street Grades in Borough of Queens—Resolution Directing Advertisement for Bids**

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the Proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractors' Proposal, together with the Specifications and contract drawings for the modification of railroad structure east of Boulevard to allow raising of street grades, in the Borough of Queens, (Route No. 61);

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractors' Proposal together with the Specifications and contract drawings for the modification of railroad structure east of Boulevard to allow raising of street grades, in the Borough of Queens, (Route No. 61), be and are hereby approved and adopted, and that said Invitation to Contractors be published in The City Record every day of publication continuously from and including May 24, 1923 to and including June 7, 1923, and on May 28, 1923 and June 4, 1923, in Long Island Daily Press and Daily Long Island Farmer and The New York Herald, daily newspapers published in the City of New York, and that such bids as shall be received shall on the 7th day of June, 1923 at eleven-thirty (11:30) o'clock A. M., or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission, and read.

687—R. T. 7146**Route No. 31—Resolution Declaring Ready for Use Portion of Inspection Shed at Livonia Avenue Yard**

The following resolution was adopted:

Resolved, That, under and in pursuance of the provisions of the contract known as Contract No. 3 dated March 19, 1913, made between the City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, this Commission hereby declares the following portions of the Railroad described in said Contract No. 3, being the facilities in the Livonia Avenue Yard, located between New Lots Avenue, Linwood Street, Stanley Avenue and Elton Street, at the terminus of the Livonia Avenue Branch of the Eastern Parkway Line, as de-

scribed in said Contract No. 3 to be ready for use and operation at 12:01 o'clock A. M. on May 22, 1923.

All of that portion of the inspection shed building below the railroad level including the facilities therein.

688

Upon motion, duly seconded and adopted, the meeting was adjourned to Wednesday, May 23, 1923, at 11:00 A. M.

689

Hearing

The following hearing was held:

10:40 A. M.; Case 2625; Eighth Avenue Railroad Company; Authorization to issue bonds secured by mortgage of two parcels of its real property to the amount of \$1,200,000. George O. Redington, Counsel, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, May 23, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

690

The Minutes of the Proceedings for the month of February, 1923, were approved.

691

The Minutes of the Proceedings for the month of March, 1923, were approved.

692—R. T. 7652

Route No. 45, Section No. 2—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on May 22, 1923, for the construction of Section No. 2 of Route No. 45, Broad and Nassau Streets Line, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders, the certified checks in the sum of Seventy-five thousand (\$75,000) dollars each, deposited with their bids.

693—R. T. 7529

Contract No. 3—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Renewal of Requisition Upon Board of Estimate and Apportionment for Appropriation of \$3,240.00 as City's Share for Changing Type of Smoke Flue at Stations on Culver and New Utrecht Avenue Lines—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work—Approval Resolution—Requisition Upon Board of Estimate and Apportionment

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated April 25, 1923, recommending the renewal of the requisition

submitted to the Board of Estimate and Apportionment, as authorized by the resolution adopted on July 12, 1921, requesting an appropriation of \$3,240.00, as the City's share for changing the type of smoke flue at the stations on the Culver and New Utrecht Avenue Lines.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of Bureau of Accounting and Valuations dated May 10, 1923, classifying that portion of the cost of the work, which is a betterment, as an Addition to the Railroad and that the remainder of the cost be charged to Maintenance.

The following resolution was adopted.

Whereas, This Commission, by resolution adopted July 12, 1921, directed pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, said New York Municipal Railway Corporation, as Lessee under the provisions of said Contract No. 4 and particularly Article LXVIII thereof, to install as Additions to Construction under said contract the direct type of smoke flue at the stations on the Culver Line and the New Utrecht Avenue portion of the Broadway-Fourth Avenue Line described in said Contract No. 4, as more particularly set forth, and made requisition upon the Board of Estimate and Apportionment for the appropriation of \$3,240, estimated to meet the City's obligations in connection therewith; and

Whereas, The Board of Estimate and Apportionment, by action taken at its meeting of February 3, 1922, referred said action back to this Commission without taking action thereon; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated April 25, 1923, reported and recommended that the said matter be advanced and that the requisition aforesaid be renewed; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have reported with respect to the classification of said work; and

Whereas, Counsel has prepared and submitted a proposed requisition, which will effect such recommendation.

Resolved, That said reports and recommendations be and the same hereby are approved and that the requisition in the form so submitted be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment,

Further Resolved, That said resolution of July 12, 1921, aforesaid be and the same hereby is in all respects reaffirmed and readopted.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

May 23, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Under date of July 13, 1921 the Transit Commission made the following requisition upon your Honorable Board:

"The contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4, provides in Article LXVIII thereof that Additions may be ordered to be installed on the Railroad as defined in said contract and more particularly prescribed as follows:

"If the direction shall have reference to Equipment or operation or to the construction of Additions to the Existing Railroads the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to the construction of Additions to the Railroad the cost of complying therewith shall be borne by the City and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the commission or directly by the Lessee as the Commission may elect.

If the Lessee shall neglect or refuse to comply with such directions the Commission in addition to other remedies may cause such changes or additions (other than Additions to the Railroad) to be made at the expense of the Lessee.

The Engineer of Equipment and Operation and the Chief Engineer of this Commission in a communication dated June 30, 1921 have reported, with respect to the necessity of a change in the type of smoke flues for the heaters installed at stations on the Municipal Elevated Rapid Transit Railroads and particularly on the Culver Line and the New Utrecht Avenue portion of the Broadway-Fourth Avenue Line as described in said Contract No. 4 and state in part as follows:

'The present smoke flues at these stations have a long and tortuous run, which causes a heavy deposit of soot, thereby reducing the effective draft, and requiring considerable labor for frequent cleaning. The New York Municipal Railway Company has developed a type of flue which has a much direct run, and reduces the possibility of an accumulation of soot. This direct type of flue has been installed at twenty locations on the Jamaica Ave. line of the New York Municipal Railway Corporation, where the original flues were similar to those now installed on the Culver Line and New Utrecht Ave. Line, and has been found to be a decided improvement over the original type.'

This Commission has considered said report and has reached the conclusion that the changes therein recommended are desirable and has approved the same.

It is proposed to provide for the installation of the New type of flue at the stations of the Culver Line and the New Utrecht Avenue portion of the Broadway-Fourth Avenue Line by crediting the estimated cost of the material for the old flues, to wit, Two Thousand One Hundred Sixty Dollars (\$2,160) against the estimated cost of the material for the new flues, to wit, Five Thousand Four Hundred Dollars (\$5,400) leaving an estimated balance to be expended by the City in the installation of the new type of flue of Three Thousand Two Hundred Forty Dollars (\$3,240). The Lessee or its Receiver is to install the new flues as a part of maintenance under the contract, and the Commission has directed the Lessee by the provisions of an order, a certified copy of which is transmitted herewith, to proceed with the work as an Addition to Construction under the provisions of Contract No. 4 above quoted. It will however be necessary to procure the City's share before it can be expected the company will proceed with the work.

Requisition is accordingly made upon your Honorable Board for an appropriation in the sum of Three Thousand Two Hundred Forty Dollars (\$3,240) being the amount of the estimated cost to the City of installing the new type of smoke flue on the stations of the Culver Line and the New Utrecht Avenue portion of the Broadway-Fourth Avenue Line as described in said Contract No. 4.

This requisition is a sub-requisition under the authorizations heretofore made for the purpose of carrying out said Contract No. 4."

Your Honorable Board, at its meeting of February 3, 1922 (Cal. No. 76) referred said matter back to this Commission without taking action thereon.

The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated April 25, 1923, have reported with respect to the subject of said requisition in part as follows:

"I am of opinion that this matter should be advanced and see nothing to change my previous recommendation that that portion of the cost of the new flues which is equal to the cost of the old flues (excluding the installation thereof) is properly chargeable as a Replacement.

Returned herewith is the original of the above mentioned letter of April 16th.
Recommendation—From an engineering standpoint, I recommend that smoke flues of the direct type should be provided at stations on the Culver and West End lines under Contract No. 4 and that this matter be referred to the Accounting Dept., so that some agreement may be arrived at whereby the work may be done."

The Transit Commission has approved said report and recommendation and renews the foregoing requisition upon your Honorable Board for the appropriation

of the sum of Three thousand two hundred forty dollars (\$3,240) for the purpose therein set forth.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

694—R. T. 7652

Route No. 45, Section No. 2—Report by Chief Engineer as to Receipt of Bids for Construction of Part of Broad Street-Nassau Street Line and Recommendation for Award of Contract to Patrick McGovern, Inc., at Bid Price of \$5,976,085.50—Approval Resolution—Requisition Upon Board of Estimate and Apportionment

The following report was approved:

May 23, 1923.

To: TRANSIT COMMISSION.

Award of Contract for Nassau Street Subway, Route No. 45, Section No. 2, to Patrick McGovern, Inc.

On May 22, 1923, the following bids were received for work under contract for Route No. 45, Section No. 2, Nassau Street Subway:

Name	Amount
Patrick McGovern, Inc.....	\$5,976,085.50
Fredk. L. Cranford, Inc.....	6,221,543.50
Spencer, White & Prentis Co.....	8,844,025.00

Our estimate for this work was \$5,341,892.

Patrick McGovern, Inc., the lowest bidder, has had a number of important subway contracts for the Commission. It was the contractor for Section No. 9 of Route No. 5, Lexington Avenue Subway, amounting to \$2,323,596.44, 60th Street Tunnel under East River, Route No. 61, amounting to \$4,232,438.51 and for the completion of Section No. 2 of Route No. 8, 14th St.-Eastern Subway, amounting to \$3,155,442.29. All of this work has been carried out to our satisfaction. Patrick McGovern, Inc. at the present time has a number of contracts for other City departments. It is the contractor for the Jamaica Bay Boulevard which contract amounts to about \$3,000,000; has work from the Sewer Department in Manhattan amounting to about \$1,000,000, and contracts for two shafts for the Staten Island Tunnel now being built by the Board of Estimate and Apportionment amounting to about \$1,200,000. Patrick McGovern, Inc. is a contractor of exceptional ability and high standing.

Attached I send you a copy of minutes of a conference held in my office with Mr. Patrick McGovern and Mr. E. D. Hubbert, of Patrick McGovern, Inc., in which is contained a financial statement of the corporation.

The unit prices given in McGovern's bid is somewhat higher than our estimate, but under present conditions with the uncertainty in the labor and material markets I do not consider the prices unreasonable.

Recommendation: From an engineering standpoint I recommend that the work under contract for Route No. 45, Section No. 2, Nassau Street Subway, be awarded to the lowest bidder, Patrick McGovern, Inc., at its bid figure of \$5,976,085.50 and that a requisition be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Section No. 2, Broad and Nassau Streets (under Contract No. 4) was heretofore finally adopted on April 24, 1923 and subsequent to advertisement duly made bids respectively totalling as follows were received on May 22, 1923:

Patrick McGovern, Inc.....	\$5,976,085.50
Fredk. L. Cranford, Inc.....	6,221,543.50
Spencer, White & Prentis Co.....	8,844,025.00

; and

[May 23, 1923

Whereas, The Chief Engineer of this Commission by communication dated May 23, 1923 has reported that the amount of said low bid is reasonable and that the said Patrick McGovern is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to the said Patrick McGovern, Inc. and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$5,976,085.50 the amount estimated to be necessary to carry out said proposed contract on the part of the City.

Resolved, That said report and recommendation of the Chief Engineer be and the same hereby is approved; that the said bid of Patrick McGovern, Inc. be and the same hereby is accepted and that the said proposed contract for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Section No. 2, Broad and Nassau Streets (under Contract No. 4) be and hereby is awarded to said Patrick McGovern, Inc. subject to its being consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$5,976,085.50 estimated to be necessary to meet the City's obligations under said proposed contract be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

May 23, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921 transmits herewith for the consent of your Honorable Board as required by law a proposed contract to be entered into between The City of New York acting by the Transit Commission and Patrick McGovern, Inc., for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Section No. 2, Broad and Nassau Street (under Contract No. 4), together with a requisition upon your Honorable Board for the appropriation of the sum of Five Million, Nine hundred and Seventy-six thousand, Eighty-five Dollars and Fifty cents (\$5,976,085.50), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

The Transit Commission has publicly advertised said proposed contract and bids were received therefor on May 22, 1923, respectively totalling as follows:

Patrick McGovern, Inc.....	\$5,976,085.50
Fred L. Cranford, Inc.....	6,221,543.50
Spencer, White & Prentis Co.....	8,844,025.00

The Chief Engineer of this Commission in a communication dated May 23, 1923 has reported that the said bid of Patrick McGovern, the low bidder, is reasonable and that said company is competent and financially capable of carrying out the provisions of said proposed contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said Patrick McGovern, Inc. subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit: the sum of Five Million, Nine hundred and Seventy-six Thousand, Eighty-five Dollars and Fifty cents (\$5,976,085.50) and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit: the sum of Five Million, Nine hundred and Seventy-six Thousand, Eighty-five Dollars and Fifty cents (\$5,976,085.50).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made by the predecessors of the Transit Commission for the purpose of carrying out the contract dated

March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

695—R. T. 6699

Contract No. 3—Communication from Interborough Rapid Transit Company Agreeing to Finish Concrete Floor and Furnish Floor Plates in Connection with Installation of Escalator at Borough Hall Station—Report by Chief Engineer Recommending Approval—Approval Resolution

A communication was presented from the Interborough Rapid Transit Company dated May 2, 1923, agreeing to finish the concrete floor and furnish the necessary floor plates at the top and bottom landings in connection with the installation of an escalator at the Borough Hall Station as a charge to contribution to Cost of Construction under Contract No. 3.

A report was presented from the Chief Engineer dated May 10, 1923, recommending that the proposal be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Construction of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3, said Interborough Rapid Transit Company is installing an escalator at the Borough Hall Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad described in said Contract No. 3 pursuant to the requirements of this Commission and the provisions of said Contract No. 3; and

Whereas, Questions have arisen as to the respective obligations of the City and Interborough Rapid Transit Company in respect to the completion of certain details in and about the installation of said escalator; and

Whereas, The Interborough Rapid Transit Company by communication dated May 2, 1923 from Frank Hedley its President and General Manager has, following conferences between the representatives of said parties, agreed to finish the concrete floor and furnish and install the necessary floor plates at the top and bottom landings in connection with the installation of said escalator all as more particularly shown upon the plans therefor, as a part of Construction as defined in said Contract No. 3, the cost thereof to be charged to the contribution of said Interborough Rapid Transit Company to the Cost of Construction as provided for in said Contract No. 3; and

Whereas, The Chief Engineer of this Commission by communication dated May 10, 1923 has recommended that the proposal of the Interborough Rapid Transit Company in this connection be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated May 14, 1923 concurs in the classification of such work as Construction of the Railroad,

Resolved, That the said proposal and recommendation be and the same hereby are approved; that Interborough Rapid Transit Company be and hereby is directed and authorized to perform the work of finishing the concrete floor and furnishing and installing the necessary floor plates at the top and bottom landings necessary to the installation of the escalator at the Borough Hall Station aforesaid, such work to be classified as Construction of the Railroad and the cost thereof to be charged to the contribution of the Interborough Rapid Transit Company to the Cost of Construction under and in accordance with the provisions of said Contract No. 3.

696—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for Installation of Two Rotary Converters with Transformers for Substations Nos. 11 and 12—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order Number—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated April 9, 1923, requesting approval of a proposed contract with the Westinghouse Electric & Manufacturing Company for furnishing and installing two 4000 K.W. rotary converters with transformers for Substations Nos. 11 and 12, at an approximate cost of \$96,000.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 15, 1923, stating that the estimated cost is reasonable and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations dated May 18, 1923, classifying the work as Additional Equipment, and assigning Work Order No. IBA-7 thereto.

The following resolution was adopted:

Whereas, By resolution adopted by this Commission on September 7, 1922, the application of Interborough Rapid Transit Company, for the approval of an expenditure of approximately \$262,260, for the installation of Additional Equipment, as described in the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3, was approved and to which this Commission assigned, by resolution adopted November 14, 1922, Work Order No. IBA-7; and

Whereas, By communication dated April 9, 1923, said Interborough Rapid Transit Company, pursuant to said authority, has requested the approval of this Commission to the execution of a proposed contract dated February 28, 1923, with the Westinghouse Electric & Manufacturing Company for furnishing and installing two 4,000 K.W. Rotary converters with transformers for subway division substations No. 11 and No. 12, in the Borough of Manhattan; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated May 15, 1923, reported that the approximate cost of such work is \$96,000; that the following bids were received for such work:

Westinghouse Electric & Mfg. Co.....	\$96,000
General Electric Co.....	102,000

; that the estimated cost is reasonable; that the said units are necessary and recommend the approval of said proposed contract and the authorization requested by said Interborough Rapid Transit Company to execute the same, subject to the conditions hereinafter set forth; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication dated May 18, 1923, recommended that the cost of such units be classified as Additional Equipment for the Railroad under Work Order No. IBA-7, assigned as aforesaid; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed contract dated February 28, 1923, between Interborough Rapid Transit Company and Westinghouse Electric & Manufacturing Company, be and the same hereby is approved, the cost thereunder to be charged to said Work Order No. IBA-7 assigned as aforesaid, provided, however, that the foregoing approval

is upon condition that the said proposed contract, before execution and delivery thereof, shall be changed in the following respect:

(a) Page 2, Section 2, Line 5, March 10, 1913 should read March 19, 1913.

697—R. T. 7224

Contract No. 3—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Modification of Resolution Adopted on September 7, 1922, so as to Remove Limitation of Expenditure for Furnishing Additional Power Required to Operate Increased Train Service—Approval Resolution

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 21, 1923, recommending that the resolution adopted on September 7, 1922, approving an expenditure of approximately \$262,260, by the Interborough Rapid Transit Company for providing additional power required to operate increased train service, be modified so as to remove the limitation of the fixed expenditure.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, the Transit Commission, by action taken on September 7, 1922 approved the proposal dated August 3, 1922 of said Interborough Rapid Transit Company to make numerous changes in the power house, substations, distribution system, etc. of the Railroad as described in said Contract No. 3, including the purchase of additional materials, for the purpose of providing additional power for increased demands necessitated by the operation of a greater number of cars, the said action of the Commission being predicated upon the report, dated August 25, 1922, of the Engineer of Equipment and Operation and the Chief Engineer of this Commission who estimated the cost of such changes at approximately \$600,000, the greater part of such expenditures to be classified as Additional Equipment under said Contract No. 3; and

Whereas, The approval of this Commission of September 7, 1922 aforesaid limited such approval to an expenditure of approximately \$262,260 for said purposes; and

Whereas, It appears that the original estimated cost of the various units proposed to be installed for said purpose exceeded said limitation and the various units approved heretofore by this Commission have exceeded said limitation; and

Whereas, By communication dated May 21, 1923, the said Engineer of Equipment and Operation and the Chief Engineer of this Commission, for the reasons therein more particularly set forth, have recommended that the said limitation be excised from the approval of September 7, 1922 aforesaid,

Resolved, That said report and recommendation be and the same hereby are approved; that the said approval of September 7, 1922 be and the same hereby is modified by striking therefrom the said limitation of expenditure, it being understood that the said approval of September 7, 1922, as modified herein, shall be confined to the units of equipment necessary to effect the said proposal of Interborough Rapid Transit Company, dated August 3, 1922, subject to the approval of the Chief Engineer of this Commission as to the necessity and estimated cost of each such unit.

698—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Furnishing Two Motors to Connect with Forced Draft Fans for New Boilers at 59th Street Power House—Report by Consulting Engineer Recommending Approval—Approval Resolution.

An application was presented by the Interborough Rapid Transit Company, dated May 2, 1923, requesting approval of a proposed purchasing agent's order directed to the General Electric Company for furnishing and installing two motors at a cost of

\$5,904 to be used in connection with forced draft fans for the new boilers to be installed at the 59th Street Power Station.

A report was presented from the Consulting Engineer, Charles E. Lucke, dated May 18, 1923, stating that the type of motor is satisfactory and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment, to be performed under Work Order IBA-7 heretofore assigned.

The following resolution was adopted:

Whereas, By resolution adopted by this Commission on November 7, 1922, the application of the Interborough Rapid Transit Company for the approval of an expenditure of approximately \$262,260 for the installation of Additional Equipment as described in the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3, was approved and to which this Commission assigned, by resolution adopted November 14, 1922, Work Order No. IBA-7; and

Whereas, By communication dated May 2, 1923, said Interborough Rapid Transit Company has submitted, for the approval of this Commission, proposed purchasing agent's order dated May 2, 1923, directed to General Electric Company for the following:

- 2—Type I, frame 16, 4 pole 250 H.P. 750 R.P.M. form M, 440 volt, 50° C, 3 phase, 25 cycle, slip ring, induction motors arranged DS-2 with base suitable for direct connection to forced draft fans.
- 2—CR-3204—T-155-A drum controllers
- 2—Starting and speed regulating resistors
- 2—Primary switchboard panels as per G. E. Co. Spec., attached to their quotation No. NY 44894, dated March 5, 1923.

Price: \$2,952.00 each Total: \$5,904.00

which purchasing agent's order has been caused to be designated as "Approval No. 483" and

Whereas, The Consulting Engineer, Charles E. Lucke, by communication dated May 18, 1923, reported that the following bids were received for said work:

Westinghouse Electric & Manufacturing Co.....	\$3,000.00 each
Allis Chalmers Manufacturing Co.....	3,035.00 each
Wagner Electric Manufacturing Co.....	Did not bid

; that the type of motor is satisfactory and the bid reasonable and recommends the approval of said proposed purchasing agent's order; and

Whereas the Auditor of Rapid Transit Costs, by endorsement dated May 21, 1923, has recommended the classification for said work to be Additional Equipment for the Railroad under Work Order No. IBA-7, assigned as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved, that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the said work to be classified as Additional Equipment for the Railroad under Work Order No. IBA-7 assigned as aforesaid.

699—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase of Four Stokers to Be Installed Under the New Boilers at 59th Street Power House—Report by Consulting Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order Number—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated May 11, 1923, requesting approval of a proposed contract with the American

Engineering Company for the purchase and installation of four stokers under the new boilers at the 59th Street Power House at an approximate cost of \$49,191.

A report was presented from Charles E. Lucke, Consulting Engineer, recommending that the company be authorized to enter into the contract.

A report was presented from the Auditor of Rapid Transit Costs and Chief of the Bureau of Accounting and Valuations dated May 19, 1923, classifying the work as Additional Equipment and assigning Work Order No. IBA-7 thereto.

The following resolution was adopted.

Whereas, By resolution adopted by this Commission on September 7, 1922, the application of Interborough Rapid Transit Company, for the approval of an expenditure of approximately \$262,260., for the installation of Additional Equipment as described in Contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3, was approved and to which this Commission assigned, by resolution adopted November 14, 1922, Work Order No. IBA-7; and

Whereas, By communication dated May 11, 1923, Interborough Rapid Transit Company pursuant to said authority has requested the approval of this Commission to the approval of a contract dated December 13, 1922 for the purchase and installation of four stokers to be installed under the new boilers at the 59th Street Power House at a cost of approximately \$49,191; and

Whereas, By communication dated May 16, 1923, Charles E. Lucke, Consulting Engineer, has recommended the approval of said proposed contract and that Interborough Rapid Transit Company, be authorized to enter into the same with American Engineering Company for the reasons therein more particularly set forth; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of Bureau of Accounting and Valuations by communication dated May 19, 1923, has recommended that the cost of such units be classified as Additional Equipment for the Railroad under Work Order No. IBA-7 assigned as aforesaid; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said contract so submitted be and the same hereby is approved and that Interborough Rapid Transit Company be and hereby is authorized to enter into the same, the cost thereof to be classified as Additional Equipment for the Railroad and charged to Work Order No. IBA-7.

700—R. T. 7007

Contract No. 3—Communication from Interborough Rapid Transit Company Requesting Approval of Substitution of Car No. 3758 for Car No. 3815 Upon Which Multiple Door Control Device Is to Be Installed—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Resolution Modifying Resolution of December 19, 1922

A communication was presented from the Interborough Rapid Transit Company dated May 8, 1923, requesting approval of the substitution of car No. 3758 for car No. 3815 upon which multiple door control device is to be installed.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 15, 1923, recommending that the resolution, adopted on December 19, 1922, be modified so as to provide for such substitution.

The following resolution was adopted:

Whereas, By resolution adopted December 19, 1922, this Commission, pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, approved of the installation of a multiple door control on 396 additional subway high voltage cars, such

work to be performed as an Addition pursuant to the provisions of Articles LXX and LXXI of said Contract No. 3; and

Whereas, Said resolution specifically sets forth the cars, indicated by numbers, upon which said device was to be installed, included among which are Cars Nos. 3759-3859; and

Whereas, By communication dated May 15, 1923, the Engineer of Equipment and Operation and the Chief Engineer have advised this Commission that Interborough Rapid Transit Company, by communication dated May 8, 1923, has informed this Commission that it has substituted Car No. 3758 for Car No. 3815 and has suggested that the approval of the resolution of December 19, 1922 be modified accordingly.

Resolved, That said resolution of December 19, 1922, be and the same hereby is modified by striking from the third paragraph thereof the numbers and figures 3759-3859 and by substituting in place thereof the following numbers and figures: 3758-3814, 3816-3859.

701—R. T. 7267

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase of Fire Insurance on 100 Steel Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated May 7, 1923, requesting approval of the purchase of fire insurance in the sum of \$1,475,000, and inspection service for a period of five years upon 100 steel trailer cars at a premium of \$5,900.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated May 16, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the cost as Operating Expense.

The following resolution was adopted, Commissioner Harkness not voting:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3 said Interborough Rapid Transit Company by communication dated May 7, 1923, has submitted for the approval of this Commission its proposal to purchase fire insurance in the amount of \$1,475,000 and inspection service for a period of five years from May 7, 1923, upon the 100 steel trailer cars as authorized by this Commission by resolution adopted August 8, 1922, which proposal is as follows:

“The Interborough Rapid Transit Company requests approval to purchase as a charge against Operation, Contract No. 3, fire insurance on new steel Subway trailer cars in the sum of \$15,000 each on Nos. 5303 to 5377 inclusive, and \$14,000 each on Nos. 5378 to 5402 inclusive, for a period of five years.

The net cost of the insurance will be \$60 per car for the five-year term or \$12 per car per year, for car Nos. 5303 to 5377 inclusive, and \$56 per car for the five year term or \$11.20 per car per year for car Nos. 5378 to 5402 incl.”

and has been caused to be designated as “Approval No. 480”; and

Whereas, By communication dated May 15, 1923 the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that said insurance will provide fire prevention and inspection service without extra charge; that the insurance represents approximately 80% of the cost of the cars which is reasonable; that the rate is reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated May 18, 1923, has recommended the expense of purchasing said insurance be classified as Operating Expense,

Resolved, That said reports and recommendations be and the same hereby are approved; that the proposal submitted by said Interborough Rapid Transit Company be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed order.

702—R. T. 6889

Contract No. 3—Report by Chief Engineer Requesting Advice and Policy as to Provision for Ventilating Equipment in Shallow Portions of Subway—Resolution Directing Chief Engineer to Order Full Compliance with Requirements of Contract

A report was presented from the Chief Engineer dated May 12, 1923, as described below:

The following resolution was adopted:

Whereas, By communication dated May 12, 1923, the Chief Engineer of this Commission has reported with respect to the installation of ventilating equipment pursuant to the provisions of contract dated March 19, 1913, known as Contract No. 3, as follows:

“For some time, this department has been impressing upon the Interborough Company the need of providing ventilating equipment for the land portions of the subways constructed under the provisions of Contract No. 3. The representatives of the company have continually contested the necessity of providing a complete ventilating equipment, but after numerous conferences a decision has been reached as to the type of installation suitable for deep level portions of these lines and the installation of such ventilating equipment in the Lexington Avenue subway is in progress.

The company has been urged both formally and informally to complete plans and begin the installation of ventilating equipment in the shallow portions of the subways, but its representatives have objected most strenuously to the provision of ventilating equipment for such shallow subways. I believe that ventilating equipment should be provided, as a general rule, at all ventilating chambers constructed in the subways, but in view of the attitude of the company's representatives and having in mind the high cost of such ventilating equipment which will be many hundreds of thousands of dollars, I should like to be advised before we continue our efforts in this matter any further if it is the policy of the Commission that the provision of ventilating equipment in the shallow portions of the land subways under Contract No. 3 should be pressed at this time. This question does not arise in connection with Contract No. 4 lines as we are now considering plans submitted by Mr. Menden for ventilating equipment for a portion of the Broadway Subway.”

Resolved, That the Chief Engineer of this Commission be and hereby is advised and directed to order full compliance with all requirements of said Contract No. 3 in respect to full and complete installation of all units of Equipment for the complete ventilation of all portions of the Railroad described in said Contract No. 3.

703—R. T. 6695

Route No. 8—Report by Engineer of Equipment and Operation and Chief Engineer Stating that Complete Automatic Block Signal System Will Not Be Provided Except in Tunnel and Other Points Requiring Special Protection Unless Otherwise Instructed—Approved.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 19, 1923, stating that unless otherwise ordered, he will make no provision in the plans for the signal equipment to be installed in the subway portion of the Fourteenth Street-Eastern Line for complete automatic block signal system except in the under-river portion, at curves and other points requiring special protection. In this respect they will conform to the signal protection provided in subways now operated. Upon motion, duly seconded and adopted, the report by the Chief Engineer was approved, subject to further investigation by him as to the necessity for a complete signal system.

704—R. T. 7663

Route No. 52, Section No. 3—Resolution Adopting Map and Memorandum for Acquisition of Two Parcels of Land on Amity Street Between Lawrence and Main Streets, Borough of Queens and Directing Corporation Counsel to Institute Condemnation Proceedings—Adopted

The following resolution was adopted:

Whereas, This Commission has caused three similar maps or plans to be made of certain property fronting on Amity Street between Lawrence and Main Streets, in the Borough of Queens, which is required for the construction, maintenance and operation of a municipal rapid transit railroad to be constructed and operated as an extension to the system provided for under a contract dated March 19, 1913, made by The City of New York, acting by the Public Service Commission for the First District, with Interborough Rapid Transit Company, known as Contract No. 3, and a contract dated March 19, 1913, made by The City of New York, acting by the Public Service Commission for the First District, with New York Municipal Railway Corporation, known as Contract No. 4, which said map or plan is entitled "State of New York, Transit Commission, Engineering Department, Route No. 52, Section No. 3, Map of Property to be Acquired for the Construction and Operation of a Portion of the Flushing Route," dated May 9, 1923, signed by Robt. Ridgway, Chief Engineer, and bearing the designation File No. 4503, Drg. No. 30, which certain property is indicated on said map or plan as Parcels Nos. 1 and 2; and

Whereas, This Commission has caused a memorandum to be made accompanying said map or plan and to be deemed part thereof, indicating the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of such construction, maintenance and operation in relation to the property described upon said map or plan; and

Whereas, This Commission deems it necessary to acquire said property described in said memorandum and on said map or plan in fee simple absolute, free from all liens and encumbrances, for the purpose of constructing and operating such municipal rapid transit railroad, free of interference or right of interference;

Resolved, That the said map or plan and accompanying memorandum be, and hereby are, approved and adopted; that a certificate of such approval and adoption be written upon said map or plan and memorandum and signed by the members of this Commission adopting and approving the same, and that one copy of said map or plan and accompanying memorandum be filed in the office of the President of the Borough of Queens, there to remain as a public record; that two sets of the map or plan and accompanying memorandum be transmitted to the Corporation Counsel of the City of New York, together with a certified copy of this resolution, and that such Corporation Counsel be, and he hereby is, directed to take legal proceedings to acquire for The City of New York the property described in said memorandum and on said map or plan; and it is

Further Resolved, That a copy of said map or plan and accompanying memorandum be filed in the office of this Commission.

The memorandum referred to above was as follows:

STATE OF NEW YORK
TRANSIT COMMISSION

MEMORANDUM

INDICATING THE PARTICULAR ESTATE OR ESTATES, RIGHTS, TERMS, PRIVILEGES, FRANCHISES OR EASEMENTS TO BE ACQUIRED OR EXTINGUISHED BY THE CITY OF NEW YORK FOR THE PURPOSES OF THE RAPID TRANSIT ACT, BEING CHAPTER 4 OF THE LAWS OF 1891 AS AMENDED, IN RELATION TO EACH AND EVERY PIECE OR PARCEL OF PROPERTY DESCRIBED UPON THE MAP OR PLAN ACCOMPANYING THIS MEMORANDUM AND OF WHICH THIS MEMORANDUM IS TO BE DEEMED PART.

THE CITY OF NEW YORK IS TO ACQUIRE WHEREVER THE SAME HAS NOT BEEN HERETOFORE ACQUIRED BY THE CITY OF NEW YORK AN ESTATE IN FEE SIMPLE ABSOLUTE FREE FROM ALL LIENS AND ENCUMBRANCES, AND ANY AND ALL RIGHTS, TERMS, INTERESTS, PRIVILEGES, FRANCHISES AND EASEMENTS, WHETHER OF OWNERS, ABUTTERS OR OTHERS, in and

to all those certain lots, pieces or parcels of land, with the buildings and improvements thereon, and any and all rights and emoluments pertaining thereto and in and to the bed of any street, road or avenue upon or proposed in front of or adjoining the said property, together with the easements pertinent thereto, shown upon the map or plan accompanying this memorandum and of which this memorandum is to be deemed part and designated therein as Parcels 1 and 2 situate, lying and being in the Borough of Queens, in the County of Queens, in the City and State of New York, and bounded and described as follows:

Parcel No. 1: Beginning at a point in the southerly line of Amity Street distant four hundred thirty-six and twenty-three one-hundredths (436.23) feet eastwardly from the corner formed by the intersection of the southerly line of Amity Street and the easterly line of Lawrence Street measured along the southerly line of Amity Street; running thence westwardly along the southerly line of Amity Street seventy-five and five one-hundredths (75.05) feet; thence southwardly along a course making on the easterly side thereof an angle of eighty-seven degrees, forty minutes and forty-five seconds ($87^{\circ} 40' 45''$) with the course last above described ninety-four and eighty-three one-hundredths (94.83) feet; thence eastwardly along a course at right angles with the course last above described seventy-four and ninety-eight one-hundredths (74.98) feet; thence northwardly ninety-one and seventy-nine one-hundredths (91.79) feet to the point or place of beginning.

Parcel No. 2: Beginning at a point in the northerly line of Amity Street distant six hundred twenty-six and forty one-hundredths (626.40) feet eastwardly from the corner formed by the intersection of the northerly line of Amity Street and the easterly line of Lawrence Street measured along the northerly line of Amity Street; running thence eastwardly along the northerly line of Amity Street twenty-five (25) feet; thence northwardly along a course making on the easterly side thereof an angle of ninety degrees, sixteen minutes and nineteen seconds ($90^{\circ} 16' 19''$) with the northerly line of Amity Street seventy-six and sixty-one one-hundredths (76.61) feet; thence westwardly along a course making on the southerly side thereof an angle of ninety-one degrees, thirty minutes and thirty seconds ($91^{\circ} 30' 30''$) with the course last above described twenty-five and one one-hundredth (25.01) feet; thence southwardly seventy-seven and fifteen one-hundredths (77.15) feet to the point or place of beginning.

The map or plan above mentioned accompanying this memorandum and of which this memorandum is to be deemed a part consists of one sheet having thereon a certificate of approval and adoption by the Transit Commission and bearing the seal of the Transit Commission and being entitled "State of New York Transit Commission Engineering Department Route No. 52 Section No. 3 Map of Property to be Acquired for the Construction and Operation of a Portion of the Flushing Route," dated May 9, 1923, signed by Robt. Ridgway, Chief Engineer, and numbered File No. 4503, Drg. No. 30.

The said estate in fee simple absolute in said parcels of property above described is required for the construction, maintenance and operation in perpetuity, free of interference and right of interference of a certain municipal rapid transit railroad known as the Flushing Route, adopted by the Public Service Commission for the First District on June 3, 1913, approved by the Board of Estimate and Apportionment of The City of New York on June 12, 1913, and by the Mayor of said City on June 17, 1913, to be operated as an extension of the existing municipal rapid transit railroad system under two separate contracts, both dated March 19, 1913, by the said City acting by said Commission with Interborough Rapid Transit Company and with New York Municipal Railway Corporation, and known respectively as Contract No. 3 and Contract No. 4.

This certifies that this memorandum and the map or plan accompanying the same were approved and adopted by the Transit Commission this 23rd day of May, 1923.

TRANSIT COMMISSION,

By GEORGE McANENY,

Chairman.

LEROY T. HARKNESS,

Commissioner.

JOHN F. O'RYAN,

Commissioner.

(L. S.)

JAMES B. WALKER,
Secretary.

705—R. T. 6924

Route No. 12, Section No. 1-A—Communication from New York Consolidated Railroad Company Submitting Proposed Permit to be Issued to Brooklyn Edison Company, Inc., to Install Electric Service Pipe Through Subway Ventilator in Front of Premises at No. 97 St. Felix Street, Brooklyn—Report by Chief Engineer Recommending Approval—Approval Resolution

A communication was presented from the New York Consolidated Railroad Company dated May 14, 1923, submitting for approval a proposed permit to be issued to the Brooklyn Edison Company, Inc., to install an electric service pipe through the subway ventilator in front of the premises at No. 97 St. Felix Street, Borough of Brooklyn.

A report was presented from the Chief Engineer, dated May 19, 1923, stating that the permit is satisfactory and recommending that it be approved.

The following resolution was adopted:

Whereas, By communication dated May 14, 1923, Lindley M. Garrison as Receiver of New York Consolidated Railroad Company has pursuant to the provisions of the contract dated March 19, 1913, known as Contract No. 4, submitted for the approval of this Commission a proposed permit dated May 14, 1923 proposed to be issued to Brooklyn Edison Company, Inc., granting the right to install a two and one-half inch electric service pipe through the ventilator of the municipal rapid transit railroad in front of the premises known as No. 97 St. Felix Street in the Borough of Brooklyn, City of New York; and

Whereas, The Chief Engineer of this Commission by communication dated May 19, 1923 has reported that he has examined said proposed permit and finds it satisfactory from an engineering standpoint and recommends its approval; and

Whereas, Counsel has examined said proposed permit and finds no objection thereto and recommends its approval,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed permit so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said permit.

706—R. T. 6080

Route No. 5, Section No. 15—Report by Real Estate Clerk Recommending Consent to Issuance of License to Peter Schneider to Maintain Stands Adjoining Property at Southeasterly Corner of East 157th Street and River Avenue, Borough of the Bronx—Approval Resolution

A report was presented from the Real Estate Clerk dated May 21, 1923, recommending approval of consent to the issuance of a license by the Department of Licenses to Peter Schneider to maintain one or more stands adjoining the building lines of the property at the southeasterly corner of East 157th Street and River Avenue, Borough of The Bronx.

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of May 21, 1923, has recommended that the Secretary be authorized to execute, on behalf of the Commission, an owner's consent to the issuance by the Department of Licenses of The City of New York of one or more licenses to maintain stands adjoining the property at the southeasterly corner of East 157th Street and River Avenue, Borough of The Bronx, by Peter Schneider, a direct tenant of the Commission on such premises, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, authorize and direct the Secretary to execute in its behalf an owner's consent to the issuance by the Department of Licenses of The City of New York a license to the maintenance of stands adjoining the premises as aforesaid.

707—R. T. 6458

Contract No. 1—Report by Chief Engineer Recommending that no Additional Stairway be Built at 96th Street Station on West Side Subway Unless Same May be Located in Parkway in Middle of Street—Referred Back to Chief Engineer

A report was presented from the Chief Engineer dated April 24, 1923, referring to the resolution adopted by the Board of Estimate and Apportionment on April 6, 1923, which referred back to the Commission a proposed agreement for an additional stairway at the 96th Street Station of the West Side subway with the request that a plan be submitted showing an entrance within the curb line instead of from the park area in the middle of the street. The report by the Chief Engineer recommended that no additional stairway be built at the present time unless the same may be located in the parkway in the middle of Broadway.

Upon motion duly seconded and adopted the matter was referred back to the Chief Engineer to confer with the Police Commissioner, President of the Borough of Manhattan and the Commissioner of Parks.

708

Staten Island Edison Corporation—Application for Consent to Acquire Capital Stock of Richmond Light and Railroad Company and Richmond Railways, Inc.—Communication from Attorneys for Company Transmitting Proposed Form of Order—Opinion by Counsel—Reply by Secretary Approved

The Secretary presented a communication, dated May 29, 1923, from Messrs. Travis, Spencer & Hopkins, Attorneys for the Staten Island Edison Corporation, transmitting a proposed order authorizing the purchase by the Staten Island Edison Corporation of the capital stock of the Richmond Light and Railroad Company and the Richmond Railways, Inc. The Secretary also presented an opinion, dated May 14, 1923, by Assistant Counsel Stover, recommending that no action be taken by the Commission until the transfer of the electrical franchises and works of the Richmond Light and Railroad Company to the Staten Island Edison Corporation had been approved by the Public Service Commission and until the stock of the Richmond Railways, Inc., had been issued to the Richmond Light and Railroad Company. The Secretary also presented a copy of his reply, dated May 16, 1923, to Messrs. Travis, Spence & Hopkins, advising that action upon their request would be deferred until action had been taken by the Public Service Commission consenting to the transfer of the electrical franchises and works of the Richmond Light and Railroad Company.

Thereupon, the above mentioned opinion by Counsel and reply by the Secretary to the Commission were approved.

709—R. T. 7648

Order No. 8—Statement as to Execution and Delivery of Original Contract for Supply of Ties and Timber—Contract Filed

The Commission ordered filed an original contract dated May 11, 1923, between The City of New York, acting by the Transit Commission and Alfred R. Sax Lumber Company for furnishing ties and timber, Order No. 8, which contract had been executed on behalf of both parties and delivered on May 18, 1923.

710—R. T. 7636

Route No. 16—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Jacob Schlesinger, Inc., for Construction of Inspection Shed and Service Buildings at Jerome Avenue Yard and Authorizing Appropriation of \$369,402.40—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 11, 1923, was ordered filed:

(Cal. No. 72)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 18, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with Jacob Schlesinger, Inc., for the construction of inspection shed and service buildings at the Jerome Avenue Yard Route No. 16, at an estimated cost of three hundred and sixty-nine thousand four hundred and two dollars and forty cents (\$369,402.40); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be three hundred and sixty-nine thousand four hundred and two dollars and forty cents (\$369,402.40); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission, dated April 18, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding three hundred and sixty-nine thousand four hundred and two dollars and forty cents (\$369,402.40), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock (*instead of being charged as a subauthorization* against the general appropriations for Contract No. 3 as requested in said requisition of the Transit Commission), to be in *addition* to the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 11, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated May 17, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel returning the above mentioned contract approved as to form was also ordered filed.

711—R. T. 7657

Contract No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Agreement for Installation of Exit Turnstile at South End of Northbound Platform of Prospect Avenue Station—Communication from Acting Corporation Counsel Returning Agreement Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 11, 1923, was ordered filed:

(Cal. No. 71)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 18, 1923, the Board of Estimate and Apportionment does hereby consent to the agreement with the Interborough Rapid Transit Company, lessee, for the purpose of carrying out the work of installing an exit turnstile at the south end of the north-bound platform of the Prospect Avenue Station of the Manhattan-Bronx Rapid Transit Railroad, at an estimated cost to The City of New York of three hundred dollars (\$300), that sum being one-half of the total estimated cost of six hundred dollars (\$600), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be three hundred dollars (\$300); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding three hundred dollars (\$300), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said agreement; said issue of corporate stock to be charged as a sub-authorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 11, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated May 18, 1923, returning the above agreement, approved as to form, was ordered filed:

712—R. T. 6334

Contract No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$600.00 as City's Share of Cost for Reconstruction of Entrance to Dyckman Street Station—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 11, 1923, was ordered filed:

(Cal. No. 69)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 25, 1922, the Board of Estimate and Apportionment does hereby consent to and authorize an appropriation of six hundred dollars (\$600), to provide for the City's share of the cost of the reconstruction of the entrance to the Dyckman Street Station of the Manhattan-Bronx Rapid Transit Railroad as "addition to construction" under Contract No. 3 (*instead of an appropriation of twelve hundred dollars (\$1,200) for extra work under Contract No. 1, as requested by the Transit Commission*); said sum of six hundred dollars (\$600) being one-half of the total estimated cost of twelve hundred dollars (\$1,200) for said work, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe

[May 23, 1923

that the limit to the proceeds of corporate stock available for said purpose shall be six hundred dollars (\$600); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding six hundred dollars (\$600), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said "addition to construction" under Contract No. 3; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 11, 1923.

JAMES MATTHEWS,
Assistant Secretary.

713—R. T. 7564, 7611

**Contract No. 3—Communication from Board of Estimate and Apportionment
Submitting Copy of Opinion by Corporation Counsel with Respect to Sub-
mission of Supplementary Agreements for "Additions to Construction"—
Filed**

The following communication from the Board of Estimate and Apportionment was ordered filed:

May 18, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

Referring to your communication dated February 27, 1923, relative to the requirement by this Board of an additional supplementary agreement with respect to "Additions to Construction" under Contract No. 3, I am forwarding herewith for your information, a copy of an opinion by the Corporation Counsel with respect to this question.

At the meeting of the Board of Estimate and Apportionment on May 18, 1923, your communication of February 27, 1923, was placed on file, and the Secretary was directed to forward to you a copy of the enclosed opinion of the Corporation Counsel.

Respectfully,

JAMES MATTHEWS,
Assistant Secretary.

The enclosure referred to in the above communication was as follows:

April 13, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Sirs:

I have your communication of March 31, 1923, signed by James Matthews, Assistant Secretary, and reading as follows:

"Enclosed please find copy of a communication dated February 27, 1923, from the Transit Commission, stating that the requirement by the Board of an additional or supplementary agreement with respect to 'Additions to Construction' under Contract No. 3, merely repeats in contracted form the more elaborate and detailed particulars of said contract and creates an advantage for the lessee, inasmuch as it affords an opportunity for contesting the form and contents of the agreement and a basis for refusing to execute same, as not required by Contract No. 3, that the great advantage to the City by reason of the contract provisions with respect to 'Additions to Construction' is thus defeated, and in the opinion of the Commission the requirement with respect to agreements providing for the construction 'Additions to Construction' under Contract No. 3, in those

cases where the lease is required to do the work should be withdrawn. A copy of a report prepared in this office relative to the matter is also enclosed.

At the meeting of the Committee of the Whole on March 28, 1923 (Cal. No. T-9) this matter was laid over for one month and referred to the Corporation Counsel for an opinion on the question raised by the Transit Commission."

The policy of requiring supplemental agreements in writing for the construction of Additions to Construction of the rapid transit railroads under the provisions of Subway Contract No. 3 was adopted by your Board as the course to be pursued under the provisions of Articles LXX and LXXI of the subway contract. Your Board had the authority to do this, in the exercise of discretion, whenever the expense incurred for such construction required "to carry it out the authorization by the local authority of corporate stock or bonds of the city in addition to the corporate stock or bonds required to carry out such existing contracts."

Upon being requested so to do, a form of supplemental agreement was approved by this department, and construction work on additions to the rapid transit railroads has been carried on under such form of supplemental agreement.

I have to advise you, however, that your Board may, whenever proper occasion arises therefor on representations made by the Transit Commission, dispense with such supplemental agreement and permit the work required to be done, under the supervision and direction of the Transit Commission, directly by the lessee as that Commission may prescribe. Of course, the whole matter is one of policy which will be determined by the Board of Estimate and Apportionment as occasions arise and under the particular facts and circumstances pertaining thereto.

Respectfully yours,
GEO. P. NICHOLSON,
Corporation Counsel.

714—R. T. 7038

Route No. 50—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at No. 27 Ely Avenue, Borough of Queens—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated May 18, 1923, transmitting an original recorded deed of release, dated July 28, 1922, from Andrew Hayslip, Sr., et al. conveying to The City of New York certain easements acquired in front of the premises at No. 27 Ely Avenue, Borough of Queens, which document was recorded in the office of the Clerk of Queens County on January 31, 1923, on Page 49 of Liber No. 2477 of Conveyances, and is indexed under Section No. 2, Block No. 39, on the land map of the County of Queens.

715—R. T. 7497

Route No. 31—Consents of Contractor and Sureties to Resolution Extending Time to April 28, 1923, Within which to Complete Contract for Installation of Tracks and Construction of Concrete Inspection Pits at Livonia Avenue Yard—Filed

Consents were ordered filed from B. T. & J. J. Mack and sureties upon the bond deposited by the contractor to the resolution of the Commission adopted on May 8, 1923, extending the time of the contractor to and including April 28, 1923, within which to complete the work for the installation of tracks and the construction of concrete inspection pits and other miscellaneous work at the Livonia Avenue Yard, Route No. 31.

716—R. T. 7479

Route No. 5, Section No. 15—Receipt from Department of Finance for Check in Sum of \$3,450.00 as Balance of Purchase Price of Property Sold at Public Auction Between Walton and Gerard Avenues, North of East 146th Street, Borough of The Bronx—Filed

The following receipt was ordered filed:

May 11, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
BUREAU OF ACCOUNTANCY
DIVISION OF RECEIPTS

Received from Transit Commission check of John A. McCarthy for Three thousand four hundred fifty 00/100 Dollars (\$3,450.00).

Particulars:

Balance of purchase price of Plot No. VIII between Walton and Gerard Avenues, 105 feet north of East 146th Street, Borough of The Bronx, sold at public auction on January 16, 1923.

For Comptroller
H. H. RATHYEN,
Auditor of Receipts.

717

Fees Received During April, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of April, 1923, fees, etc., to the amount of \$7,851.21 and refunds of rental from rapid transit real estate to the amount of \$3,903.60 had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$7,851.21 to be accredited to the General Fund of The City of New York, and the sum of \$3,903.60 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

Employees' Resolution No. 144

(28)

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—Max Nachamis, stenographer, at \$90.00 per month, to take effect May 17, 1923.

Appointments under Rule VIII:4—Leo Blankman, draftsman, at \$150.08 per month, to take effect May 16, 1923; Jacob D. Mednick, draftsman, at \$150.08 per month, to take effect May 21, 1923; Morris Nagin, junior assistant, at \$125.08 per month, to take effect May 21, 1923; Lloyd B. Nicholson, draftsman, at \$150.08 per month, to take effect May 28, 1923; Abraham Skeer, junior assistant, at \$125.08 per month, to take effect May 21, 1923.

Appointments under Rule VIII:9—James W. Carew, engineering inspector, at \$150.08 per month, to take effect June 20, 1923; Thomas F. Corcoran, junior assistant, at \$125.08 per month, to take effect June 19, 1923.

Reinstatement under Rule XVI:1—W. J. Huber, inspector of steel, at \$175.00 per month, to take effect May 23, 1923.

Rescission of Appointment under Rule VIII:4—Louis H. Chouinard, junior assistant, at \$125.08 per month, to take effect May 14, 1923.

Resignations—Alex M. Emerman, junior assistant, at \$125.08 per month, to take effect May 16, 1923; Thomas Ogilby, junior electrical engineer, at \$152.50 per month, to take effect June 9, 1923; Joseph R. Rosenfeld, junior electrical engineer, at \$162.50 per month, to take effect June 19, 1923.

Termination of Appointments under Rule VIII:4—James W. Carew, engineering inspector, at \$150.08 per month, to take effect June 19, 1923; Thomas F. Corcoran, junior assistant, at \$125.08 per month, to take effect June 18, 1923.

Change of Item in Resolution of May 15, 1923, Concerning Ellen Hewith, so as to Read as Follows: (Appointment under Rule V:4)—Ellen Hewith, janitress, at \$15.00 per month, to take effect May 2, 1923.

Change of Item in Resolution of May 15, 1923, Concerning Ira B. Thomson, so as to Read as Follows: (Resignation)—Ira B. Thomson, draftsman, at \$150.08 per month, to take effect May 12, 1923.

Leave of Absence with Pay—Richard A. Berry, assistant engineer, from November 14, 1922, to November 16, 1923.

Leave of Absence without Pay—Anna Friedberg, stenographer, from May 13, 1923, to September 3, 1923.

719

Voucher Schedule No. 21

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 281-286, miscellaneous bills, \$4,721.27.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 125, B. T. & J. J. Mack, Inc.; approximate estimate No. 3 for the construction of transformer closets for emergency lighting for part of the Broadway-Fourth Avenue Rapid Transit Railroads, from April 16, 1923 to May 15, 1923 (R. T. 7587), \$2,514.98;

Voucher No. 126, Charles H. Brown & Son, Assignee; approximate estimate No. 15 for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8, from April 16, 1923 to May 15, 1923 (R. T. 7539), \$11,084.45;

Voucher No. 127, Jacob Schlesinger, Inc.; approximate estimate No. 10, for the construction of a second addition to shops at the 148th Street and Lenox Avenue Yard, under Contract No. 3, from April 16, 1923 to May 15, 1923 (R. T. 7368), \$2,918.25;

Voucher No. 128, Lindley M. Garrison, Receiver, New York Municipal Railway Corporation; approximate estimate No. 2 for lengthening platforms at Canal Street station of the Centre Street Loop of the Broadway-Fourth Avenue Line, from April 1, 1923 to April 30, 1923 (R. T. 7431), \$5,055.37.

720

Hearing

The following hearing was held:

2 P. M.; Case 2679; Brooklyn Rapid Transit Company; Application of the Stockholders' Committee for approval of Plan of Reorganization. Chairman McAneny and Commissioner Harkness presided. Adjourned to May 28, 1923 at 2:30 P. M.

—
JAMES B. WALKER,
Secretary.

Proceedings for Monday, May 28, 1923

721

Hearings

The following hearings were held:

11 A. M.; Case 2686; Bush Terminal Railroad Company; Application for permission under Section 53 of the Public Service Commission Law to exercise the right to construct and operate an additional spur track in 41st Street, Borough of Brooklyn. George L. Lucas, Acting Chief Executive Officer, presided. Hearing closed.

2:40 P. M.; Case 2679; Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization. Chairman McAneny and Commissioners Harkness and O'Ryan presided. Adjourned to May 31, 1923 at 11:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, May 29, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

722—R. T. 7636

Route No. 16—Resolution Approving Sureties Upon Bond in Sum of \$50,000 Deposited by Contractor as Security for Construction of Inspection Shed and Service Buildings at Jerome Avenue Yard—Adopted.

The following resolution was adopted:

Resolved, That the Globe Indemnity Company, Continental Casualty Company, Maryland Casualty Company and Standard Accident Insurance Company be and hereby are approved as sureties upon the bond in the sum of Fifty thousand (\$50,000) dollars, deposited by Jacob Schlesinger, Inc., as security for the faithful performance of the contract for the construction of an inspection shed and service buildings at the Jerome Avenue Yard, Route No. 16, each of said sureties being held and bound in the sum of Twelve thousand five hundred (\$12,500) dollars.

723—R. T. 7639

Agreement "CC"—Resolution Approving Sureties Upon Bond in Sum of \$25,000 Deposited by Contractor as Security for Changes in Subway Structure to Permit Widening of East 60th Street—Adopted.

The following resolution was adopted:

Resolved, That the Globe Indemnity Company and Continental Casualty Company be and hereby are approved as sureties upon the bond in the sum of Twenty-five thousand (\$25,000) dollars, deposited by Jacob Schlesinger, Inc., as security for the faithful performance of the contract for making changes in the subway structure, Routes Nos. 4 & 36, Section No. 5, so as to permit the widening of East 60th Street, between Second and Fifth Avenues, Borough of Manhattan, Agreement "CC," each of said sureties being held and bound in the sum of Twelve thousand five hundred (\$12,500) dollars.

734—R. T. 5006

Agreement "CI"—Resolution Approving Sureties Upon Bond in Sum of \$1,000 Deposited by Contractor for Making Borings at Sites of Proposed Storage Yards and Extension of Seventh Avenue Line—Adopted

The following resolution was adopted:

Resolved, That the United States Fidelity and Guaranty Company and Globe Indemnity Company be and hereby are approved as sureties upon the bond in the sum of One thousand (\$1,000) dollars, deposited by Philip J. Healey as security for the faithful performance of the contract for making borings on sites of the proposed Coney Island and Westchester Avenue storage yards and along the proposed extension of the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park, Agreement "CI," each of said sureties being held and bound in the sum of Five hundred (\$500) dollars.

725—R. T. 7516

Route No. 8, Sections Nos. 3, 4 and 5—Report by Chief Engineer Recommending Approval of Lump Sum Price of \$628.83 for Furnishing and Installing Additional Floor Drains in Toilet Rooms Under Contract for Construction of Station Finish—Approval Resolution

A report was presented from the Chief Engineer dated May 24, 1923, recommending the approval of a lump sum price as described below and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated May 16, 1922, between the City of New York, acting by the Transit Commission, and the Station Finish Corporation, for the completion of construction of station finish for a part of the Fourteenth Street-Eastern Rapid Transit Railroad, known as Route 8, Sections 3, 4 and 5, having, subject to the approval of the Commission, agreed with the said contractor on the following schedule item:

Item No. 547-P—For furnishing and installing piping system connecting additional floor drains in toilet rooms and making consequent changes and other changes in the rough plumbing work all as indicated on the working drawings and as per the direction of the Engineer, the lump sum of..... \$628.83

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

726—R. T. 7369

Route No. 8—Stipulation with New York Municipal Railway Corporation and New York Consolidated Railroad Company as to Equipment and operation of Completed Portion of Fourteenth Street-Eastern Line—Approval Resolution

The following resolution was adopted:

Whereas, By communication dated February 2, 1923, this Commission pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation known as Contract No. 4 and particularly Article LII thereof, declared that portion of the Fourteenth Street-Eastern Line between its westerly terminus at or about Sixth Avenue and West 14th Street in the Borough of Manhattan at a point in the Borough of Brooklyn at or about the intersection of Bushwick Avenue and Montrose Avenue to be ready for Equipment as defined in said Contract No. 4, and directed the Receiver of said New York Municipal Railway Corporation to forthwith commence and expeditiously complete the installation of all Equipment necessary for operation of such portion of said line as more particularly in said communication set forth; and

Whereas, Questions of dispute have arisen between this Commission and the Receiver of said New York Municipal Railway Corporation and the Receiver of New York Consolidated Railroad Company, the assignee of the operating provisions under

said Contract No. 4 as to the legal and contractual authority and power of the Commission to make such declaration or to require the operation of said portion of said line after completion the said Receiver and said corporations denying that the Commission has such authority and the Commission contending that it has such authority; and

Whereas, To avoid controversy and obviate delay the parties have agreed upon a form of stipulation which has been executed by the Receiver of the New York Municipal Railway Corporation and the Receiver of the New York Consolidated Railroad Company and by said corporations respectively whereby the questions in dispute are held in abeyance, the said Receivers and said corporations agreeing to equip said portion of said line and to operate the same without thereby prejudicing their claim and contentions aforesaid; and

Whereas, By order dated May 23, 1923 entered in the District Court of the United States for the Southern District of New York said Receivers by order made by Hon. J. M. Mayer, U. S. C. J. have been authorized to enter into said proposed stipulation; and

Whereas, Counsel has examined said proposed stipulation and recommends the approval thereof,

Resolved, That the stipulation so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver the same.

727—R. T. 6515

Routes Nos. 4 & 38, Section No. 5—Proposed Agreement with Interborough Rapid Transit Company for Alterations in Subway Structure at Northeast Corner of Seventh Avenue and West 30th Street so as to Permit Widening of Roadway on West 30th Street, Borough of Manhattan—Approval Resolution.

The following resolution was adopted:

Whereas, By resolution adopted on May 4, 1923, the Board of Estimate and Apportionment of The City of New York, appropriated the sum of three thousand dollars (\$3,000.) to be used for the necessary alterations in the Municipal Rapid Transit Railroad structure at the northeast corner of Seventh Avenue and Thirtieth Street in the Borough of Manhattan, City of New York, made necessary by the proposed widening of the roadway at West Thirtieth Street at that point, the work to be performed by the operating company under the supervision of the Transit Commission all as more particularly provided in said resolution; and

Whereas, The Transit Commission has agreed to direct and superintend the performance of such work and Counsel has accordingly prepared and submitted a proposed agreement between The City of New York acting by this Commission and said Interborough Rapid Transit Company as contractor for the performance of the work and directing the necessary changes in the subway structure at the northeast corner of Thirtieth Street and Seventh Avenue, in the Borough of Manhattan and has recommended the approval thereof,

Resolved, That said proposed agreement so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver the same for and on behalf of this Commission.

728—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Furnishing Cable for Connecting Ventilating Equipment in 74th Street Fan Chamber to Substation No. 42—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated May 18, 1923, requesting approval of a proposed purchasing agent's order directed

to Bishop Gutta-Percha Company for furnishing cable for connecting the ventilating equipment in the 74th Street and Lexington Avenue fan chamber to Substation No. 42, at a total cost of \$2,544.21.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated May 8, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has, by communication dated May 18, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated May 18, 1923, directed to Bishop Gutta-Percha Company for the following:

Item 1. 4,860 ft. 1 cond. 4/0 R.I.L.C. 650 V Cable as per Spec. No. 2, Issue No. 4, on reels as follows:		
R. T. pc. No.	Length	
5279	1426 ft.	
5280	1846 ft.	
5281	1588 ft.	
Price: \$429.00 per M. ft.....		\$2,084.94
Item 2. 4,860 ft. 1 cond. No. 10 stranded R.I.L.C. 650 V cable as per Spec. No. 2, Issue No. 4, on reels as follows:		
R. T. pc. No.	Length	
5282	2344 ft.	
5283	2516 ft.	
Price: \$94.50 per M. ft.....		459 27
Total		\$2,544.21
Item 1 to be delivered July 1st, 1923.		
Item 2 to be delivered June 15th, 1923.		

which proposed purchasing agent's order has been caused to be designated as "Approval No. 484"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated May 8, 1923, reported that the following bids were received for such work:

	Price per 1000 ft.	
	Item 1	Item 2
Bishop Gutta-Percha Co.....	\$429.00	\$94.50
Standard Underground Cable Co.....	429.80	115.30
American Steel & Wire Company.....	431.40	109.40
Okonite Company	472.00	125.00

; that the cable is necessary for connecting the ventilating equipment in the 74th Street and Lexington Avenue fan chamber to Substation No. 42 at 150 East 57th Street; that the price is reasonable and the best obtainable; that the successful bidder is a reliable manufacturing company and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated May 29, 1923, has recommended that the said material be classified as Equipment of the Railroad, as described in said Contract No. 3,

Resolved, That the said proposed purchasing agent's order so submitted be and the same hereby is approved; that the said report and recommendation of the Chief Engineer be and the same hereby is approved, such material to be classified as Equipment of the Railroad as described in said Contract No. 3 and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order

729—R. T. 6668

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Station and Tunnel Lighting Control Panels for Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated May 4, 1923, requesting approval of a proposed purchasing agent's order directed to the General Electric Company for furnishing 23 station and panel lighting control panels for the Fourteenth Street-Eastern Line, at a cost of \$5,750.00.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer dated May 4, 1923, stating that the material is necessary and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation has by communication dated May 4, 1923, requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated May 4, 1923, directed to General Electric Company for the following:

23 Station and Tunnel Lighting Control Panels, as follows:

4 Panels—Dwg. A-2209-1	
10 Panels	2180
1 Panel	2181
4 Panels	2182
3 Panels	2183
1 Panel	2183, except that framework is to be same height as that shown on Dwg. A-2180, and wall braces to be supplied.

\$5,750.00 Lot
Delivered.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 347"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated May 24, 1923, reported that said material should be used for station and tunnel lighting control for the 14th Street-Eastern Line of the Railroad, described in said Contract No. 4; that the following bids were received for such material:

General Electric Co.....	\$5,750
Westinghouse Electric & Mfg. Co.....	6,000
* Sundh Electric Co.....	5,859
Cutter Elec. & Mfg. Co.....	No bid

* Did not conform to specifications, quoted on slate instead of marble panels.

; that such material is necessary; that the prices are the best obtainable and reasonable; that the specifications are satisfactory from an engineering standpoint and recommend the approval of said proposed purchasing agent's order; and

Whereas, By endorsement dated May 29, 1923, the Auditor of Rapid Transit Costs has recommended that said material be classified as Equipment of the Railroad as described in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; that said proposed purchasing agent's order so submitted be and the same

hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, said material to be classified as Equipment of the Railroad as described in said Contract No. 4.

730—Case 2612

Pennsylvania Tunnel & Terminal Railroad Company, Pennsylvania Railroad Company—Application for Approval of Extension of Operating Agreement with Pennsylvania Railroad Company—Approval Order Adopted

The Secretary presented a petition, dated and verified May 17, 1923, of the Pennsylvania Tunnel & Terminal Railroad Company, asking for the approval of an agreement made and entered into May 10, 1923, between the Pennsylvania Tunnel & Terminal Railroad Company and the Pennsylvania Railroad Company, extending to March 31, 1924, a certain agreement, dated September 14, 1917, between said companies providing for the operation of the railroad and appurtenances of the Pennsylvania Tunnel & Terminal Railroad Company by the Pennsylvania Railroad Company, as Agent.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2612, approving the above mentioned agreement extending the time of the agreement, dated September 14, 1917, to March 31, 1924, on the condition that the extension should not be construed as in any way affecting the legal obligation of the Pennsylvania Tunnel & Terminal Railroad Company to the City of New York, the State of New York, or to the public.

731—Case 2684

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which Cross Island Boulevard (Squire Street) Shall Be Carried Across the Main Line of Railroad—Report and Opinion by Acting Chief Executive Officer—Order Directing Elimination Adopted

The Secretary presented a report and opinion, dated May 25, 1923, by the Acting Chief Executive Officer recommending that Cross Island Boulevard (Squire Street) be carried across the Main Line of the Long Island Railroad Company under the railroad, the latter to be constructed by raising the tracks from their present elevation to the elevation aforesaid and that the street be graded in accordance with the lines and grades shown on a map bearing the signature of the President of the Borough of Queens, entitled Map No. 1115, and dated December 20, 1922, and providing that the plans and specifications of contract, if any, be submitted to the Commission for approval.

Thereupon, the above mentioned Opinion in Case No. 2684 was approved and an Order in Case No. 2684 adopted in accordance with the recommendations contained in the aforesaid Opinion and requiring that within five days the company should notify the Commission whether the Order was accepted and would be obeyed.

732—Case 2685**The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which 211th Street (Bellaire Boulevard) Shall Be Carried Across the Main Line of Railroad—Report and Opinion by Acting Chief Executive Officer—Order Directing Elimination Adopted**

The Secretary presented a report and opinion, dated May 25, 1923, by the Acting Chief Executive Officer recommending that 211th Street (Bellaire Boulevard) be carried across the Main Line of the Long Island Railroad Company under the railroad, the latter to be constructed by raising the tracks from their present elevation to the elevation aforesaid and that the street be graded in accordance with the lines and grades shown on a map bearing the signature of the President of the Borough of Queens, entitled Map No. 1114, and dated December 21, 1922, and providing that the plans and specifications of contract, if any, be submitted to the Commission for approval.

Thereupon, the above mentioned Opinion was approved and an Order in Case No. 2685 adopted in accordance with the recommendations contained in the aforesaid Opinion and requiring that within five days the company should notify the Commission whether the Order was accepted and would be obeyed.

733—Case 2687**Nassau Bus Line, Inc.—Application for Certificate of Convenience and Necessity for the Operation of a Stage Route by Motor Buses Between Beach 20th Street and Coronado Beach, Borough of Queens—Hearing Order Adopted**

The Secretary presented a communication, dated May 24, 1923, from the Nassau Bus Line, Inc., by P. M. Weidmann, President and General Manager, asking for a certificate of convenience and necessity for the operation of a stage route by motor buses between Beach 20th Street and Coronado Beach, in the Borough of Queens.

Thereupon, the Commission adopted and ordered filed an Order in Case No. 2687, directing a hearing on June 11, 1923 at 10:30 o'clock in the forenoon with respect to the matter.

734—Case 2625**Eighth Avenue Railroad Company—Application for Authority to Issue Bonds Secured by Real Estate Mortgage—Supplemental Petition of Company Showing Method of Disposition of \$100,000 Additional Mortgage—Referred to Counsel**

The Secretary presented a supplemental petition, dated May 25, 1923, of the Eighth Avenue Railroad Company, showing how the \$100,000 bond and mortgage additional to the \$800,000 bond and mortgage already authorized was to be consolidated with the larger bond and mortgage in connection with the proceeding pending before the Commission in Case No. 2625.

Thereupon, the above mentioned papers were referred to Counsel to the Commission

735—S. P. 748

The Nassau Electric Railroad Company, Receiver—Operation of Church Avenue Line Without Transfers—Special Permission No. 748 Approved

The Secretary presented a communication, dated May 28, 1923, from M. B. Hoffman, for Lindley M. Garrison, Receiver, of The Nassau Electric Railroad Company, advising that under Chapter 747 of the Laws of 1923 in effect May 24, 1923, the Transit Commission was authorized to extend for a further period of one year the operation of the Church Avenue Line without issuing, receiving or exchanging transfers and requesting that the Commission permit The Nassau Electric Railroad Company and its Receiver to so operate the said line. The Secretary also presented his report, dated May 29, 1923, advising that similar action had been taken by the Commission last year and recommending the granting of the application.

Thereupon, the Commission approved Special Permission No. 748, granting permission to The Nassau Electric Railroad Company and Lindley M. Garrison, its Receiver, to operate for a period of one year beginning May 24, 1923, the Church Avenue Line of the Company without issuing, receiving or exchanging transfers and to continue in effect the schedules then on file with the Commission indicating such operation and providing that the Order take effect May 24, 1923, and requiring that within five days after receipt of the Order, the Company and the Receiver should notify the Commission whether the terms thereof would be accepted and obeyed.

736—Case 2601

New York Railways Company—Receiver—Complaint of S. M. Jackson Jacobs Relative to Failure of Sixth and Ninth Avenue Surface Lines to Transfer Northbound at 53d Street—Letter from Counsel Transmitting Notice of Motion, Affidavit and Brief of Receiver for Leave to Appeal to the Court of Appeals and Commission's Brief in Opposition—Filed

The Secretary presented a communication, dated May 22, 1923, from Assistant Counsel Stover, approved by Counsel to the Commission, transmitting notice of motion, affidavit and brief of Job E. Hedges, as Receiver of the New York Railways Company, for leave to appeal to the Court of Appeals from the decision of the Appellate Division, First Department, which confirmed an Order made by the Commission in Case No. 2601 on July 12, 1921, directing the Receiver to honor transfers issued by The Ninth Avenue Railroad Company and presented at Seventh Avenue and 53rd Street, together with brief in opposition in behalf of the Commission advising that the papers were submitted to the Court on May 21, 1923.

Thereupon, the above mentioned papers were ordered filed.

737—R. T. 7522

Agreement "CM"—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Issue of \$40,000 Tax Notes to be Used for Reconstructing Retaining Wall on Both Sides of 60th Street Tunnel at North Jane Street, Borough of Queens so as to Permit Change in Street Grades—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 18, 1923, was ordered filed:

(Cal. No. 65)

Resolved, By the Board of Estimate and Apportionment, that, pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding forty thousand dollars (\$40,000), which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which to the amount of the par value thereof to be used for reconstructing the retaining wall on both sides of the 60th Street Tunnel of the Brooklyn Rapid Transit Railroad Company at North Jane street, Borough of Queens, under the jurisdiction of the President, Borough of Queens; such work to be performed under the supervision of the Transit Commission and the fund to be expended by the Borough President upon vouchers to be prepared by said Transit Commission.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 18, 1923.

JAMES MATTHEWS,
Assistant Secretary.

738—R. T. 5006

Agreement "CI"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Philip J. Healey for Making Borings and Authorizing Appropriation of \$7,380—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Communications and Contract Ordered Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 18, 1923, was ordered filed:

(Cal. No. 66)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 25, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with Philip J. Healy, for the work of making test borings in the proposed Coney Island Line, in the Borough of Brooklyn; in the proposed Westchester Line, in the Borough of The Bronx, and along the proposed extension of the Broadway-Fourth Avenue Line in Central Park between 7th avenue and Central Park West, Borough of Manhattan (Agreement "CI"), at an estimated cost of seven thousand three hundred and eighty dollars (\$7,380); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be seven thousand and three hundred and eighty dollars (\$7,380); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding seven thousand three hundred and eighty dollars (\$7,380), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged, to the extent of two thousand one hundred and ninety-five dollars* (\$2,195), as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3, and to the extent of five thousand one hundred and eighty-five dollars (\$5,185), as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 18, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated May 24, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

The original contract dated May 28, 1923, with Philip J. Healey, which contract had been executed and delivered on May 29, 1923, was ordered filed.

739—R. T. 7639

Agreement "CC"—Certified Copies of Resolutions of Board of Estimate and Apportionment Rescinding Resolution Adopted on March 23, 1923, Consenting to Contract with Benedetto, Saussez and Bottino for Changes in Subway Structure Due to Widening of East 60th Street and Consenting to Contract with Jacob Schlesinger, Inc., Second Lowest Bidder, and Authorizing Appropriation of \$89,350—Statement as to Execution and Delivery of Original Contract—Resolutions and Contract Filed.

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on May 18, 1923, were ordered filed:

(Cal. No. 67-A)

Resolved, That, pursuant to a resolution adopted by the Transit Commission May 1, 1923, the resolution adopted by the Board of Estimate and Apportionment, on March 23, 1923 (pursuant to a requisition of the Transit Commission, dated February 27, 1923), consenting to a contract with Benedetto, Saussez and Bottino for making changes in the subway structures necessitated by the widening of 60th street between 2d and 5th avenues, Borough of Manhattan, the cost thereof to be charged to the fund, Code NPM-59, be and the same is hereby *rescinded*.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 18, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 67-B)

Resolved, That, pursuant to the resolution of the Transit Commission to this Board, dated May 1, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to the contract with Jacob Schlesinger, Inc., for making changes in subway structures necessitated by the widening of 60th street between 2d and 5th avenues, Borough of Manhattan, at an estimated cost of eighty-nine thousand three hundred and fifty dollars (\$89,350), the cost thereof to be charged to the tax notes appropriation authorized by the Board of Estimate and Apportionment on July 19, 1922 (Code NPM-59, Reconstructing Gratings, Vault Lights, Etc., Along the Curb Line of 60th Street, between 2d and 5th Avenues, to Permit of the Widening of the Roadway of the Street); all payments in connection with said contract to be made upon vouchers prepared and submitted by the Transit Commission and approved by the President of the Borough of Manhattan.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 18, 1923.

JAMES MATTHEWS,
Assistant Secretary.

An original contract was ordered filed, dated May 23, 1923, between the City of New York, acting by the Transit Commission, and Jacob Schlesinger, Inc., for making changes in the subway structure so as to permit the widening of the roadway of East 60th Street; Agreement "CC," which contract had been executed on behalf of both parties and delivered on May 25, 1923.

740—R. T. 7636

Route No. 16—Statement as to Execution and Delivery of Original Contract for Construction of Inspection Shed and Service Buildings at Jerome Avenue Yard—Contract Filed

An original contract was ordered filed, dated May 23, 1923, between the City of New York, acting by the Transit Commission, and Jacob Schlesinger, Inc., for the construction of an inspection shed and service buildings at the Jerome Avenue Yard, Route No. 16, which contract had been executed on behalf of both parties and delivered on May 24, 1923.

741—R. T. 7663

Route No. 52, Section No. 3—Receipts from Corporation Counsel and President of Borough of Queens for Map and Memorandum for Condemnation Proceedings to Acquire Property on Amity Street Between Lawrence and Main Streets, Borough of Queens—Filed

Original receipts were ordered filed, one from the Office of the Corporation Counsel dated May 24, 1923, and one from the President of the Borough of Queens dated May 25, 1923, for originals of map and memorandum adopted by the Commission on May 23, 1923, showing certain property fronting on Amity Street between Lawrence and Main Streets, Borough of Queens, Route No. 52, Section No. 3, to be acquired in fee by condemnation for the construction, maintenance and operation of a portion of the Flushing Route.

742

Employees' Resolution No. 145

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Amedeo Carmina, engineering inspector, at \$150.08 per month, to take effect May 22, 1923; Granville W. Pullis, assistant photographer, at \$125.00 per month, to take effect May 28, 1923; Nathan Stern, junior assistant, at \$125.08 per month, to take effect May 23, 1923.

Resignations—Max Marcus, junior assistant, at \$137.50 per month, to take effect June 18, 1923; Oscar Mulford, junior assistant, at \$125.08 per month, to take effect May 31, 1923; Albert H. Silsby, engineering inspector, at \$125.00 per month, to take effect June 8, 1923.

Rescission of Appointment under Rule VIII:4—Lloyd B. Nicholson, draftsman, at \$150.08 per month, to take effect May 28, 1923.

Rescission of Appointment under Rule VIII:9—Thomas F. Corcoran, junior assistant, at \$125.08 per month, to take effect June 19, 1923.

Change of Item in Resolution of May 8, 1923, Concerning Gussie Siebel, so as to Read as Follows: (Leave of absence with pay)—Gussie Siebel, clerk, from May 6, 1923 to May 20, 1923.

Change of Item in Resolution of May 23, 1923, Concerning Thomas F. Corcoran, so as to Read as Follows: (Termination of appointment under Rule VIII:4)—Thomas F. Corcoran, junior assistant, at \$125.08 per month, to take effect May 26, 1923.

Rescission of Leave of Absence with Pay—Gussie Siebel, clerk, from June 16, 1923, to June 30, 1923; from July 16, 1923, to July 31, 1923.

Rescission of Leave of Absence without Pay—Gussie Siebel, clerk, from May 6, 1923, to May 15, 1923; from June 1, 1923, to June 15, 1923; from July 1, 1923, to July 15, 1923; from August 1, 1923, to August 5, 1923.

Leave of Absence with Pay—John J. Devery, engineering inspector, from March 16, 1923, to April 16, 1923; John S. Dougherty, junior clerk, from May 9, 1923, to May 14, 1923; Mildred Kaufman, accountant, from April 28, 1923, to May 1, 1923; P. Liberman, junior engineer, from April 30, 1923, to May 10, 1923.

Death—Gussie Siebel, clerk, at \$66.66 per month; May 22, 1923.

743

Employees' Resolution No. 146

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That the action of Clarence J. Shearn, Counsel to the Commission, in employing Severance Johnson as special investigator for the period from June 1, 1922 to December 31, 1922, at a compensation of \$100 per week, plus expenses, when employed be, and hereby is, in all respects approved, confirmed and ratified; and be it further

Resolved, That the employment of said Severance Johnson as such special investigator for a total of sixteen weeks and three days during such period, at a total compensation of \$1650, is approved, confirmed and ratified; and be it further

Resolved, That the allowance to said Severance Johnson, in the sum of \$180.03, covering necessary expenses incurred by him, is approved, confirmed and ratified; and be it further

Resolved, That said Clarence J. Shearn, Special Counsel to the Commission, be reimbursed, in the total sum of \$1,830.03, covering moneys paid by him to said Severance Johnson for services and expenses as above detailed.

744

Voucher Schedule No. 22

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York as the vouchers may direct.

Vouchers Nos. 527-564; open market orders, \$2,755.31; Vouchers Nos. 287-294, miscellaneous bills, \$370.20; Vouchers Nos. 96-107, City payrolls, \$87,782.02; Vouchers Nos. CM 10 and 11, State payrolls, \$4,041.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 130; Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 3 for the construction of foundations for third addition to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from April 21, 1923 to May 20, 1923 (R. T. 7589) \$25,066.61;

Voucher No. 131, Alfred R. Sax Lumber Co.; approximate estimate No. 8 for supply of ties and timber, Order No. 7, from April 1, 1923 to May 15, 1923 (R. T. 7496) \$13,781.09.

745

Upon motion duly seconded and adopted, the meeting was adjourned to Monday, June 4, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, May 31, 1923

746

Hearing

The following hearing was held:

11:30 A. M.; Case 2679; Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization. Chairman McAneny and Commissioners Harkness and O'Ryan presided. Adjourned subject to call.

JAMES B. WALKER,
Secretary.

PROCEEDINGS OF
TRANSIT COMMISSION
49 Lafayette Street,
Borough of Manhattan, City of New York.

Proceedings for Friday, June 1, 1923.

Present: John F. O'Ryan, Commissioner; James B. Walker, Secretary.
The following matter was presented and action taken as noted:

747—R. T. 7572

Agreement "BV"—Receipt of Bids for Miscellaneous Construction and Station Finish—Referred to Chief Engineer

Commissioner O'Ryan stated that the time within which to receive bids for miscellaneous construction and station finish for rapid transit railroads in the Boroughs of Manhattan, The Bronx, Brooklyn and Queens had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box, which had been provided for the deposit of such bids, and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the two bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, June 4, 1923.

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

748—Case 2679

Brooklyn Rapid Transit Company—Application of Stockholders' Committee for Approval of Plan of Reorganization—Opinion—Order Approving Merger and Authorizing Execution of Certificate of Merger—Order Approving Plan of Reorganization of Brooklyn Rapid Transit Company and Authorizing Issuance of Securities Thereunder—Opinion Approved and Orders Adopted

Commissioner Harkness presented an Opinion in Case No. 2679, in the matter of the application of the Committee of Stockholders under the Reorganization Plan for the approval of Plan and Agreement for the reorganization of the Brooklyn Rapid Transit Company and its rapid transit and surface railroad subsidiary companies, and

for the approval of the merger of the New York Municipal Railway Corporation into the New York Consolidated Railroad Company.

Chairman McAneny and Commissioner O'Ryan both announced their concurrence in said Opinion. Commissioner O'Ryan then moved that the Opinion submitted by Commissioner Harkness be approved and adopted as the Opinion of the Commission. This motion was carried by unanimous vote. On motion of Commissioner O'Ryan, duly seconded and carried by unanimous vote, the Commission adopted an Order in Case No. 2679, approving the merger of the New York Municipal Railway Corporation into the New York Consolidated Railroad Company, and authorizing the Chairman and the Secretary to execute the certificate of such merger.

Further, on motion of Commissioner O'Ryan, duly seconded and unanimously carried, the Commission adopted an Order in Case No. 2679, approving Plan of Reorganization of the Brooklyn Rapid Transit Company in conformity with the recommendations contained in said Opinion. The Opinion of the Commission, the Order approving the merger, the certificate of merger, and the Order approving Plan of Reorganization of the Brooklyn Rapid Transit Company were respectively as follows:

STATE OF NEW YORK
TRANSIT COMMISSION

IN THE MATTER
of the

Application of the Committee under the Reorganization Plan for the approval of Plan and Agreement for the Reorganization of BROOKLYN RAPID TRANSIT COMPANY and RAPID TRANSIT RAILROAD and SURFACE RAILROAD SUBSIDIARY COMPANIES.

CASE No. 2679

IN THE MATTER
of the

Application of the Committee under the Reorganization Plan for the approval of Plan and Agreement for the Reorganization of BROOKLYN RAPID TRANSIT COMPANY and RAPID TRANSIT RAILROAD and SURFACE RAILROAD SUBSIDIARY COMPANIES

SUPPLEMENTAL APPLICATIONS Nos. 1 AND 2.

and

For the approval of the merger of NEW YORK CONSOLIDATED RAILROAD COMPANY and NEW YORK MUNICIPAL RAILWAY CORPORATION.

HARKNESS, Commissioner:

This is a proceeding under the Public Service Commission Law, for the authorization by the Transit Commission of the reorganization of certain corporations; and of their capitalization.

On March 23, 1923, application was made to the Commission by the Committee to effect the reorganization of the Brooklyn Rapid Transit Company and its rapid transit railroad and surface railroad subsidiary companies under a Plan and Agreement of Reorganization, dated March 15, 1923, for the formal approval of the parts of the Plan for the consummation of which, under the laws of the State of New York, the approval of the Commission is required. From the application it appeared that the Plan (a copy of which was annexed) had been formally adopted or approved by the committees representing the several classes of bonds, notes, stock and other securities

of the Brooklyn Rapid Transit Company and its subsidiary companies which were to be dealt with under the Plan, except the committee representing the First Consolidated Mortgage 4% Fifty year Gold Bonds of The Coney Island and Brooklyn Railroad Company.

By order dated March 27, 1923, the Commission directed that a hearing be held on said application on April 11, 1923, and that notice of the hearing be given by publication.

On April 30, 1923, the Committee under the Reorganization Plan submitted to the Commission their Supplemental Application No. 1, which submitted the plan dated April 26, 1923, for the reorganization of the New York Consolidated Railroad Company and the New York Municipal Railway Corporation (the rapid transit railroad subsidiary companies of the Brooklyn Rapid Transit Company) and prayed for an order authorizing the reorganization of those two companies in accordance with and as provided for in the Plan of Readjustment of April 26, 1923, and authorizing the amount of capitalization of the new rapid transit company as set forth in said Plan of Readjustment. Later the Committee submitted Supplemental Application No. 2 and prayed for an order authorizing the merger of New York Consolidated Railroad Company and New York Municipal Railway Corporation.

CAUSES LEADING TO RECEIVERSHIP

The Brooklyn Rapid Transit Company was formed in 1896 under the business corporations law of the State and owned controlling or complete interests in the several railroad companies operating rapid transit and surface railroads principally in the Borough of Brooklyn. Although its beginning was marked by inflation and speculation, the growth of business and, on the whole, conservative management gradually put the company in a strong financial condition. The great increase in the cost of labor and materials during and following the war with the restrictions to a fixed rate of fare swiftly turned surpluses into deficits.

In so far as this affected only operating receipts and expenses, the experience of the B. R. T. was similar to that of public utilities generally. But, in addition, the company at this time of special stress was overwhelmingly burdened by the necessity for carrying and extending the enormous capital expenditures involved in its part of the Dual System rapid transit expansion initiated in 1913. It had approximately \$60,000,000 of this new capital represented by short term notes, with the obligation to provide many millions more. The new lines as they went into operation were affected not only by war time costs but, being new lines, required time to develop full traffic. The extended system, therefore, was in a very poor position to earn the heavy interest charges on the new investment. This short term financing and the necessity for large further borrowings on the one hand, with greatly diminished net earning capacity on the other, finally produced the inevitable result—a receivership. This receivership has now continued for about four and a half years and, as is common to receiverships, has been marked by disintegration, by restricted capital expenditures and improvements and for its earlier period by greatly restricted service.

Foreclosure decrees have been entered in the receivership proceedings and the assets of the Brooklyn Rapid Transit Company (the holding company) have been sold at public auctions: The sale of the assets of New York Consolidated Railroad Company (the rapid transit operating company) and New York Municipal Railway Corporation (the rapid transit constructing company) have been advertised for sale, but the sale has been adjourned pending the decision in this proceeding.

A new company has been incorporated to succeed the Brooklyn Rapid Transit Company, and it is proposed to merge the New York Consolidated R. R. Co. and New York Municipal Railway Corporation.

Counsel for the petitioners, while reserving the point that the reorganization of the B. R. T. holding company was a matter of law without the jurisdiction of the Transit Commission, has nevertheless submitted proof on that reorganization as well as on that of the operating companies. In this opinion I shall consider and submit my conclusions upon the basis of the entire reorganization.

PRESENT CAPITALIZATION

Ignoring a few subsidiaries, unimportant to this decision, the B. R. T. system is made up of the following companies, with the indicated bonds, notes and capital stock outstanding in the hands of the public:

	Bonds & Notes	Annual Charges	Capital Stock
Brooklyn Rapid Transit Co.....	\$68,114,700	\$4,516,479	\$74,422,959
New York Consol. R. R. Co.....	} 24,933,000	1,176,850	683,184
New York Municipal Ry. Corp.....			
Nassau Electric R. R. Co.....	13,571,000	575,180	105,225
Coney Island & Bkn. R. R. Co.....	5,474,000	238,840	297,400
Bkn., Queens Co. & Suburban R. R. Co.....	4,531,000	226,550	.....
Brooklyn Heights R. R. Co.....	250,000	12,500	.....
Totals	\$116,873,700	\$6,746,399	\$75,508,768

During the receivership \$18,000,000 of receiver's certificates were sold, which have been reduced out of earnings to a present total of approximately \$12,000,000. These, with outstanding bank loans and car lease warrants, add \$15,922,044 to the debt and, including total sinking fund charges for 1922, an added annual charge of \$1,336,322.

In addition, there are outstanding and pledged under mortgage \$36,000,000 of 6% inter-company certificates of indebtedness, with an annual charge of \$2,160,000.

Finally, the interest on bonds and notes unpaid to July 1, 1923, amounts to \$27,142,923. This is on the basis of simple interest.

Summarizing the present condition, there is a total of capital stock and borrowings amounting to \$208,304,512. If the accrued interest be considered as a debt, this sum will be increased to \$235,447,435, and if the certificates of indebtedness be included, will be further increased to a grand total of \$271,447,435. On this figure, including 6% on the certificates of indebtedness, the annual charges amount to a grand total of \$10,242,721.

PROPOSED CAPITALIZATION

Under the reorganization it is proposed to issue \$92,697,207 of new 6% bonds and to reinstate and assume \$46,512,000 of existing underlying bonds. This would make a total funded debt of \$139,209,207, with an annual interest charge of \$7,679,402. This annual cost will be increased by sinking fund charges on the new 6% bonds, to begin not later than January 1, 1927, which will add in the neighborhood of \$600,000 a year.

The proposed capital stock issues are to consist of \$23,955,407 of non par value cumulative preferred stock (with the right in liquidation to participate to the extent of \$100 per share) and 766,530 shares of no par value common stock. There must also be considered (unless and until exchanged for new securities) \$1,085,809 par value of stock of New York Consolidated, Nassau Electric and Coney Island & Brooklyn Railroad Companies now held by the public.

This would make a total of funded debt and preferred stock of \$164,250,423, and in addition 766,530 shares of no par value common stock. The plan contemplates an eventual issue of not to exceed 850,000 shares of no par value common stock, but present necessity has been shown for only 766,530 shares, and further issues up to the total of 850,000 shares will be decided upon specific future applications. Similarly, consideration is given only to issues of other stock and bonds presently to be issued and leaves further issues to future consideration.

Through the exceptionally heavy payment required of stockholders—amounting to \$35 per share, new money to the extent of about \$26,000,000 will be raised. The larger part of this will naturally be exhausted in the payment of claims (receiver's certificates, note and bond holders, tort creditors, reorganization expenses, etc.), but \$5,000,000 is to be reserved for rapid transit improvements and the balance for working capital. This reserve for rapid transit improvements and for working capital is not represented by bonds or notes, and therefore to that extent strengthens the new company.

Aside from a comparison of the dollars and cents of the old and new issues, there should be noted the unfortunate rigidity of the old B. R. T. financial structure. Two old mortgages were outstanding,—the 5% and the refunding 4%—which were a prior lien on much of the company properties. Bonds under these mortgages have not been marketable for years, and their existence has greatly handicapped the provision of new money and forced recourse to various expedients, some harmful,—including that of issuing inter-company certificates of indebtedness. Under foreclosure these old mort-

gages have been wiped out and proper flexibility in financing may be secured through new mortgages.

It should also be kept in mind that a great part of the B. R. T. debt was incurred for the new rapid transit lines. In 1913 the City of New York did not have sufficient debt-incurring capacity to finance the entire project. The B. R. T. contributed to the cost of construction and paid the entire cost of the equipment. To a very considerable extent, having in mind the provisions of the contracts, this represented an indirect method of borrowing by the city. Through this method the city's subway properties have been greatly extended, and the public has had a great measure of relief that otherwise it could not get. The bond proceeds have been expended under public supervision and direction. For these reasons the Transit Commissioners have taken the position that there existed a very special, and the strongest kind of a moral obligation on the part of public officials to safeguard this investment. With principal and accrued, unpaid interest, this rapid transit participation now amounts to \$80,369,995, and its adjustment absorbs \$65,687,270 of the new bond issue and \$10,551,866 of the new preferred stock issue.

REORGANIZATION OF RAPID TRANSIT COMPANIES

As stated above, it is proposed to merge New York Consolidated Railroad Company and New York Municipal Railway Corporation. The matter of merger by itself does not require comment except to state that the reduction in the number of operating companies is in accord with sound public policy.

The reorganization of the finances of the two rapid transit companies is important and is so intertwined with that of the B. R. T. that they must all be considered together. Except for some comparatively small outside interests, the financing of the operating companies is not additional to that of the B. R. T., but is a subsidiary duplication. For example, the B. R. T. issued its notes to finance the 1913 rapid transit expansion, but these notes were secured by the Municipal Corporation's mortgage and guaranteed by the Consolidated Company.

The total debt of these rapid transit companies, including interest unpaid and accrued to July 1, 1923, is \$132,882,467. The capital stock outstanding of the Consolidated Company is \$18,900,000, made up of \$13,900,000 common and \$5,000,000 preferred. The total capitalization and debt is therefore \$151,782,467, with an annual fixed charge of \$5,919,557.

Against this it is proposed to continue the underlying bonds of the Kings County Elevated R. R. Co. (\$7,000,000 at 4%) and the Brooklyn Union Elevated R. R. Co. (\$15,967,000 at 5%), and to issue \$93,508,500 of New Rapid Transit Refunding Mortgage 5% Series A Bonds or a total funded debt of \$116,475,500, with an annual interest charge of \$5,753,775. The \$18,900,000 of preferred and common stock is to be displaced by an issue of 189,000 shares of no par value stock.

In addition to the refunding mortgage provision is made for a new mortgage for \$50,000,000 that shall be a first lien on all the operating companies' property, subject only to the outstanding, underlying Kings County El. and Brooklyn Union El. bonds. None of these new bonds are to be issued in the reorganization, but they are to be used for financing future rapid transit improvements.

SURFACE LINES

The surface lines are not reorganized, but their bonds are to be reinstated. The Brooklyn City R. R. Co., formerly leased and operated as part of the B. R. T. system, is not included, but the plan of readjustment contemplates its eventual acquisition.

It has been necessary thus at length to set forth the exceedingly complicated financial situation involved in this proceeding. Even this, however, merely briefly summarizes the mass of details and complexities incident to adjusting claims under thirteen or more mortgages, stock interests, tort and contract creditors' claims and the like. The way is now cleared to consider the benefits claimed for the plan and the objections urged against its approval.

BENEFITS OF PLAN

1. *Termination of Receiverships.* It does not need argument to show that while at times receiverships are necessary, their continuance is fraught with loss to all concerned. And, in the case of public utilities, this loss falls heavily on the public itself

because not only is service bound to be impaired by insolvency, but improvements and additions must be curtailed or prevented. By extreme efforts, \$18,000,000 of receiver's certificates were floated to finance improvements. But this was only part of what was needed on an intensively operated railroad system serving a rapidly growing population. As a specific illustration, the Commission has been embarrassed for months through the inability of the receiver to finance the purchase of more cars. The simple truth of the matter was that the money wasn't on hand, and couldn't be raised. Under the reorganization, \$5,000,000 cash and a \$50,000,000 prior lien mortgage to take care of future needs are provided for rapid transit capital expenditures.

2. *Long Time Financing.* The whole B. R. T. subway financing was based upon the issuance of nearly \$60,000,000 six year, six per cent. notes, which during the war were replaced by 3-year seven per cent. notes. A company with such a disproportionate issue of short-time securities outstanding is bound to be in a precarious position. This condition is remedied and the situation safeguarded by refunding these notes into long term bonds carrying 6% interest.

With this long term financing goes another benefit already referred to. The old B. R. T. 4's and 5's are eliminated and their throttling effect done away with.

3. *Payment of Debts.* (a) *Receiver's certificates and accrued interest.* Receiver's certificates aggregating \$12,000,000 and now carrying 8% interest are paid off. Unpaid and accrued interest amounting to \$27,000,000 is paid in part and the balance adjusted, thus clearing the way to paying current bond interest. (b) *Tort and contract creditors.* Claims of tort creditors estimated at \$2,200,000 are to be paid in cash in full. Claims of general contract creditors amounting to \$1,600,000 are to be adjusted.

One of the striking features of this reorganization is the payment in full of the tort creditors, most of them sufferers from the Malbone Street catastrophe. Under the usual application of the law, tort creditors are wiped out in foreclosures and full loss thrown on a class of the community usually least able to bear it. It is not so in this case—they are to be paid in full. That is fine, human application of the power of a Federal Judge in a Receivership, and full credit therefor must go to Judge Mayer for his initial insistence on this course and to the several prior lien committees who acquiesced and co-operated.

4. *Provision of new money.* As already pointed out, stockholders are to supply \$26,000,000 of new money for the purposes of the reorganization, of which \$5,000,000 is to go for rapid transit needs, and the balance after paying claims and expenses to provide additional working capital. This, with the new \$50,000,000 prior lien mortgage, should put the new company in a strong financial condition especially on the rapid transit side.

5. *Public Participation.* A voting trust agreement, put in evidence, provides for three representatives of the public on the board of directors. This is valuable as affording the presentation of the public point of view directly to the directorate and thereby increasing public confidence in the company and its policies.

6. *Further readjustment.* This readjustment and the settlement of the legal questions that have abounded during the receivership paves the way for pressing to a conclusion the Commission's plan for the readjustment of all the transit lines in the City.

7. *Bettered Service and Restoration of Transfers.* Over and above all from the standpoint of the riding public, is the opportunity the reorganization gives for bettered service and the restoration of transfers as and when net earnings increase. The extreme difficulty of operating under a receivership has already been referred to. Blood cannot be gotten out of a stone, nor can the best results be gotten out of an insolvent company. With the formation of a strong company with new capital and with attention concentrated on operation, and not distracted by a continuous law suit, there is the machinery and the means to get results. The strength of the new company under wise management should steadily increase, and as it increases its power and that of the Commission to insure improvements in service will likewise increase.

OBJECTIONS TO THE PLAN

Although a few scattering objections to the heavy assessment have come from stockholders in the form of letters, the only responsible opposition to the plan has been presented by the Law Department of The City of New York. So far as security-holders are concerned, the evidence indicates a remarkably large proportion of approvals for all outstanding issues.

The opposition of the City has covered a wide range in the hearings which have extended over six weeks, during which over 1,500 pages of testimony were taken, but can be grouped and considered under a few main divisions; viz.:

1. Opposition to a holding company.
2. Failure to consolidate the surface line properties.
3. The contract with the City (Contract No. 4).
4. Alleged lack of sufficient margin of receipts over expenditures.
5. Valuations.

OPPOSITION TO A HOLDING COMPANY

The line of objection at first seemed to be against any holding company at all, but it was pointed out to the Corporation Counsel that the relations with the City on rapid transit matters made it inadvisable to merge rapid transit and surface line operation in one company. It was then urged at very considerable length that, in any event, the holding company should be one organized under the railroad law. As I understand it, this point was based on two propositions: (a) that the operating activities of the B. R. T. in the past have made it a public service corporation, and therefore subject to the Commission; and (b) that the company could legally be formed under the railroad law and that the Commission should require this to be done, so that the new company would be under its jurisdiction.

(a) On the first proposition, considerable testimony was introduced to show the activity of the former B. R. T. company in maintenance work and power production. This evidence clearly showed that the old company had overstepped the proper function of a holding company, which is primarily and almost solely one of finance. But, granting all that, I am unable to follow the conclusion sought to be drawn that this action on its part changed a business corporation into a railroad corporation. The statutes of the State indicate how the several classes of corporations may be formed, and the status of a corporation as a corporation is fixed and decided by those laws and not by its activities. For example, a railroad corporation in certain cases may have and exercise the power of eminent domain. But not a business corporation, no matter what its activities. It may be that these operating activities of the B. R. T. subjected it as a business corporation in respect to those activities to regulation under the Public Service Commission Law. That question I do not consider necessary to a decision of this case. As a practical matter of late years there has been a general disposition on the part of the B. R. T. management to comply even as a holding company with public service regulation.

(b) A railroad corporation undoubtedly could be formed to supplant the B. R. T., but I do not believe it can be formed to succeed the B. R. T. under Sections 9 and 10 of the Stock Corporation Law, which specifically cover reorganizations. Under Section 9 the new corporation can succeed to only such corporate "rights, privileges and franchises" as belong to or were vested in the old corporation. These are, of course, "rights, privileges and franchises" of a business corporation. It would seem to me to inescapably follow that the new corporation must be a business corporation.

The provision of Section 9, under which the new corporation acquires its corporate franchises, is as follows:

"Such corporation (that is, the new corporation) shall be vested with and be entitled to exercise and enjoy, all the rights, privileges and franchises, which at the time of such sale belonged to, or were vested in the corporation last owning the property sold, or its receiver, and shall be subject to all the provisions, duties and liabilities imposed by law on that corporation" (that is, the old company).

The conclusion that the intent of the statute is to continue in the new corporation the attributes of the old corporation without addition or subtraction is strengthened by a number of detail requirements of the statute itself. For example, Section 9 provides that the incorporators filing the certificate must be "not less than the number required by law for an incorporation for similar purposes," that is, similar to the purposes for which the old corporation was organized. In other words, if the old corporation was a business corporation only, it would not be necessary to have the certificate executed by more than three persons, as that is the minimum number required by law for the incorporation of a business corporation. But if the old company was a railroad corporation there would have to be at least fifteen individuals signing the reorganization certificate, as that is the minimum number required by law

for the incorporation of a railroad company. Section 9 also requires the certificate or reorganization to state the law under which the old company was organized, the purpose being apparent to couple up in this manner the rights, privileges and franchises of the new company with those of the old company. The same section also requires that the certificate or reorganization shall state the number of directors who shall manage the affairs of the new company which shall be "not less nor more than the number required by law for the old corporation," again indicating the obvious intent of the statute that the new corporation should in all respects be similar to the old. In *People ex rel. Third Avenue Railroad Company v. Public Service Commission*, 145 App. Div., 336, the Court said by Ingraham, J.:

"Sections 9 and 10 of the Stock Corporation Law, to which attention has been called, provide a system by which the readjustment of the respective interests in the property and franchises of a corporation which have been sold by virtue of a mortgage or deed of trust or a judgment or decree of a court of competent jurisdiction may be carried out. They expressly allow the creditors, mortgagees and stockholders of a corporation owning property and franchises to purchase at the foreclosure sale and to organize a corporation to carry out the objects for which the corporation was originally organized. The statute expressly gives to such creditors, mortgagees and stockholders or any of them the right to become a corporation; to make an agreement among themselves for such reorganization and readjustment; to acquire the property and franchises which have thus been sold, and to issue its bonds and stock in conformity with the provisions of the plan or agreement under which the property was purchased at the foreclosure sale."

In the opinion of Mr. Justice Clarke in the same case it is stated (Page 330):

"It is true in a certain sense that the Third Avenue Railroad Company formed as a result of the reorganization plan and under the reorganization statute is a new corporation; but it is a new corporation based upon the former corporation, depending for its existence upon the provisions of the reorganization statute and embodying in itself as the very reason for its being the reorganization agreement of the affairs of its immediate predecessor."

While I cannot agree with the legal conclusions urged by the Corporation Counsel, I am in accord with the principle underlying them. All companies dealing with public utilities—holding companies or otherwise—should be subject to regulation under the Public Service Commission Law. In the course of his testimony, Mr. Gerhard M. Dahl, a member of the Reorganization Committee, stated very clearly his view that holding companies were necessary and beneficial, but that they should be confined to their proper function—that of aiding the financing of the operations of the subsidiary companies—and should abstain from operating. That is the policy the Commission believes and expects will be followed. Furthermore, Mr. Dahl while on the stand agreed with my criticism of the practice of issuing inter-company certificates of indebtedness.

If this be, as I believe, the policy of the new company, there should be little in its transactions that would not be within the Commission's jurisdiction, for its major financing will be dependent upon cooperative action by one or more of the subsidiary companies, which clearly are within Commission control. Furthermore, the point of view of the reorganizers is indicated by their willingness to have three public representatives on the board of directors. I anticipate and expect that the policy of the new company will be one of cordial cooperation with the public authorities with the earnest desire to forward the time of better service, through concord, and not to obstruct it through conflict. Certainly, I am not going to assume the contrary.

During the discussion of these matters I had it in mind to ask the applicant to expressly agree that the new company should be under the jurisdiction of the Commission. Further reflection convinced me that in addition to probably being unnecessary the exaction of such an agreement might be unfair. Companies subjected by statute to regulation have the right to review by certiorari. I am inclined to believe that if a company subjected itself to regulation by agreement, and then in any given case were aggrieved by a decision of the Commission, a review might be precluded on the ground that it was not within the statute.

The Corporation Counsel has earnestly argued the question of whether legally a successor business corporation could hold more than ten per cent. of the securities of an operating company. The old B. R. T. company owned practically all the stock issues of its subsidiaries, and those stock holdings constituted its main assets. In the

light of the opinion in the *Third Avenue* case, *supra*, and despite subsequent amendments, I am convinced that a successor corporation succeeds to the right to hold securities owned by its predecessor. The right so to hold such securities is a property right, and in my judgment it would take an explicit provision of statute to prevent stockholders in a reorganization carrying that right over into a new corporation, whether organized under the business corporation law or otherwise.

I have considered this question of a holding company at length because it constituted an important part of the objections urged by the Corporation Counsel. Underlying the whole question, however, is this fundamental point: The Legislature has failed to put holding companies, organized under the business corporations laws, within the jurisdiction of the commissions. This, I think, should be done. If difficulties should be encountered in securing proper cooperation by the new management, recourse can and properly should be had to legislation. All the discussion and argument in this case, however, makes very clear to me the proposition that it is not the function of legislative agencies to supply a deficiency in legislative provision.

2. *Failure to Consolidate the Surface Line Companies.* The point was strongly urged that the several surface line companies be consolidated, so that there be one rapid transit operator and one surface line operator. I have strong sympathy with that view, and was disappointed in my first study of the plan that more had not been accomplished in the direction of consolidation. The explanation of the applicant, however, is entirely reasonable. With all the varied security holdings it was a herculean task to secure this reorganization, and if full consolidation had been attempted now the attendant complexities and difficulties might have defeated or inordinately delayed the present plan. The Commission is strongly of the view that as soon as the new company is organized active steps should be taken to consolidate the various surface line and miscellaneous companies, both because in and of itself it is a proper policy and because it will forward the work of the Commission in carrying forward its plans for the larger consolidations.

Of even greater moment is the absence from this reorganization of the Brooklyn City Railroad Company. The Brooklyn City Company owns the heart of the surface railway system in Brooklyn, and prior to the receivership its lines were operated under lease as part of the B. R. T. system. During the receivership the lease was abrogated, and the Brooklyn City lines went back to separate company operation. This was unfortunate for the riding public, because of the cutting off of transfers and the flexibility of service that have become in the course of over twenty years almost a necessity. The testimony showed that negotiations for the acquisition of the Brooklyn City properties had been instituted, but had so far failed of success. The Commission—without legal power to force two parties to reach an agreement when their minds do not meet—must take this situation as it is. Nevertheless, it is very much to the public interest that the negotiations be resumed, and the Commission will be ready at any time to use its good offices in any way that may help toward a successful conclusion.

3. *The Contract with the City.* The Corporation Counsel expresses the fear that the refinancing involved in the plan of readjustment would adversely affect rights of the City under Contract No. 4. I can see no basis for such a fear. On the contrary, the provision for long term financing on a conservative basis should react to the large benefit of both the City and the Company. Nevertheless, to avoid any such question, the order submitted herewith provides that it is without prejudice to any rights, obligations, claims or liabilities, whether accrued or to accrue, of The City of New York or of any other party in interest under or in connection with the contract.

The second point urged by the Corporation Counsel under this head relates to the provision of Contract No. 4 covering the suspension of the construction of power houses and sub-stations. This provision reads:

“Article XXXVIII. The construction or completion of the power house or power houses and sub-stations, or of any one or more of them, for generation or furnishing of motive power may, with the consent of the Commission, be suspended during a period of ten (10) years from the date when any part of the Railroad shall be declared by the Commission to be completed and ready for operation; provided that during such period there shall, when required, be available for use, in lieu of such power house or power houses and sub-stations, motive power furnished to the Lessee under and pursuant to the terms of a

contract or contracts for the purchase of power, which contract or contracts shall, as to the parties thereto, the sureties thereon and the terms thereof, be first approved by the Commission. In case of the expiration or termination of this contract as hereinafter provided, any sub-contract for the furnishing of power may be terminated or taken over by the City without making any allowance or paying any amount to the Lessee for or on account of any unexpired term of such sub-contract."

The Corporation Counsel claims that the ten years' suspension above provided for expires in August of this year, and that after such expiration there will be a default under the contract, and that because of such default and possible termination of the contract, the new company will be deprived of one of its most valuable assets. Counsel for the applicant, on the other hand, does not concede the correctness of the contention that the date of such expiration is next August, and points out that the plan under consideration expressly contemplates and makes provision for turning the existing power house and sub-stations owned by the company over to the city, and in that way comply with the company's obligations under the contract.

I shall not attempt in this proceeding to determine the question as to the date when such suspension expires. There are other considerations that I believe remove any substantial fear of the loss that is suggested.

In the first place, with an existing power house and sub-stations substantially sufficient, it would be an economic absurdity to attempt to duplicate them. I cannot believe that any public official, however ill-advised, would embark on such a course just to make a company spend money, because the waste of money that would be involved, in the last analysis, would react so strongly against the City and the riding public. Furthermore, the plan clearly shows on its face the desire and intention to vest title to the power plant and sub-stations in the City. With this, it is fair to assume, will also go the willingness and desire to make any improvements or readjustments that may be necessary or reasonable. In the light of the economic absurdity of attempting to duplicate existing facilities, and the willingness and desire to turn over these properties to the City, I cannot conceive of a court declaring a default on a contract of such magnitude as this one on a question so largely technical. The obvious thing to do is, as soon as the new company is properly functioning, to take up and press to a conclusion the adjustment of this matter and the transfer of the title of the power house and sub-station property to the City.

There is, however, another consideration that is determinative on the question raised by the Corporation Counsel, and that is furnished by the default provisions of Contract No. 4. The contract provides in Article XVI that in case of default the City may take over the operation of the railroad, but with the important qualification that it must continue to pay the interest and sinking fund charges on the company bonds secured by a pledge of the contract, and, furthermore, if the contract should be declared terminated, the city is required to pay to the lessee any part of the cost of construction borne by it, together with the cost of equipment—in the latter case deducting the amount of damages. It is clear, therefore, that even though there should be a default the bondholders' interest and security cannot be wiped out.

4. *Alleged Lack of Sufficient Margin of Receipts Over Expenditures.* The evidence indicates that the earnings of the B. R. T. system for the fiscal year ending June 30, 1922, applicable to the payment of fixed charges and dividends amounted to \$11,151,366. Evidence was also presented to the effect that the placing in operation of the Nassau Street Line and the Fourteenth Street-Eastern Line would increase the above figure by a million dollars. This figure I disregard as being a mere estimate at present and because at best the Nassau Street Line cannot go into operation for five years. It is, however, proper to keep in mind that the earning capacity of the system will be strengthened when these lines do go into operation. For purposes of this decision I, therefore, confine myself to the actual earnings for the fiscal year ending June 30, 1922.

The annual interest on the underlying bonds undisturbed or reinstated amounts to \$2,117,570. Deducting this from the figure of \$11,151,366 will give the amount available to meet the new financing; viz., \$9,033,796.

One year's interest on the new 6% bonds amounts to \$5,561,832, deducting which would leave a balance of \$3,471,964.

It has been claimed that the annual sinking fund charge of \$617,981 should also

be deducted. For the purposes of the consideration of this objection I do not agree with this claim, because the sinking fund deduction is not required before January 1, 1927.

In some of the discussion during the hearings the dividend of 6% on the new preferred stock, amounting to \$1,437,324, has also been deducted which would leave a balance of \$2,034,640. This deduction, for the purpose of discussing this objection, I also reject, because a dividend is not a fixed charge and can only be considered after all necessary operating expenses and fixed charges are provided for. So that the proper figure to consider is the one of \$3,471,964.

The main point of attack was that there was not a sufficient margin of profit to cover possibly increased operating expenditures due to present rising costs. Various prognostications were made of possible increases in the cost of materials and labor. (On the other hand, in connection with valuation, the Corporation Counsel introduced charts indicating the drop in costs after the Civil War, and his witness, former Commissioner Maltbie, stated that all our past experience indicated that after a war the price level dropped until it was generally lower than the pre-war prices.) It seems to me that a margin in excess of \$3,000,000 is sufficient. We can readily conceive of happenings that might operate to wipe this out, but if in starting an enterprise counsel were only taken of fears nothing would be accomplished. So far as one can judge of what is fairly to be expected, the proof indicates an entirely reasonable margin.

It is also urged that this margin would greatly be reduced if the company were compelled to provide what the Corporation Counsel claimed to be the standard of service required by the contract with the City and by provisions of law. This claim that the company has not been living up to its obligations is a contention unsupported by evidence. On the other hand, the reports to the Commission by its inspectors show that the company is and has been in good faith living up to the service orders of the Commission.

Criticism is also levelled at the lack of provision for adequate depreciation reserves. On this I expressed from the bench my own opinion that the depreciation deductions under Contract No. 4 were not large enough, but were at a lower figure than would ordinarily obtain because of financial straits of the company. The era of high costs and the accumulation of deferred maintenance have stripped the surface line companies of depreciation reserves. In the past the troubles of many utility companies throughout the country could directly be traced to the failure to accumulate such funds. The new company should profit by this past experience, and as rapidly as may be fortify itself in this regard. The date for beginning the accumulation of the sinking fund is put off until not later than January 1, 1927, and although there may theoretically be a distinction between sinking funds and depreciation funds in respect of deferred payments, it seems to me that, under all the circumstances, the new management is entitled to at least a year's grace in order to get the new company well started. I therefore do not make any deduction from the figure of present earnings to cover depreciation, but leave that to future action, with this plain intimation of the Commission's point of view in the matter of depreciation reserves.

5. *Valuations.* The strongest attack has been levelled against the valuations presented to justify the proposed capitalization.

Counsel for the applicant introduced in evidence reports made by the Valuation Bureau of the Commission in connection with the valuation made as part of the Commission's plan for City-wide reorganization. Reports of the Valuation Bureau were presented over a year ago and were subjected to intensive examination and analysis in the course of a public investigation extending over a number of months. The Commission has not rendered its decision on these valuations so that they must be taken for what they are—reports to it by its Bureau of Valuations.

The valuations were made on several different bases, but I shall confine my consideration to the two that mainly occupied attention during this proceeding; viz., (1) Original cost (with present day prices for land, rights of way and materials and supplies) less the amount necessary to put the property in first-class operating condition; and (2) Reproduction cost based on prices prevailing in the first half of 1921, less depreciation, figured on the straight-line basis. (For convenience, I shall use the terms "Original Cost," "Conditioning Cost," "1921 Cost" and "Depreciation.")

ORIGINAL COST AS OF DECEMBER 31, 1922

Physical Property

Operating property	\$159,388,374
Non-operating property	5,924,891
Materials and supplies	1,859,158
Rolling stock not used in operation.....	1,880,100
	\$169,052,523

Total physical property\$169,052,523
 The amount allowed for conditioning was \$4,059,934, which would reduce the original cost estimate to a net of \$164,992,589.

It is not altogether accurate to say that this deduction is entirely on a cost-to-condition basis, since \$82,600,000 of the total value is on the subway account, on which the deduction, amounting to \$1,330,536, is computed on the straight-line depreciation basis, in accordance with a formula laid down by former Construction Commissioner Delaney.

The gross 1921 cost figure is \$249,927,252, from which is deducted depreciation computed on a straight-line basis amounting to \$65,810,574, leaving a net reproduction cost estimate of \$184,116,678.

In addition, the books of the company indicate assets other than physical property amounting to \$34,235,293.64. An examination of these items leads me to believe that of this amount at least \$11,989,033.25 constitutes sound, realizable assets. The remaining items undoubtedly have substantial value, but their nature is such that I have deemed it better to exclude them in considering this point.

Out of the \$26,000,000 to be paid in by the old stockholders, \$5,000,000 is to be reserved for new rapid transit expenditures, and the balance of such payment, after payment of claims in and expenses of the reorganization, is to go to furnish additional working capital. The amount of such balance is uncertain, so consideration of it is excluded, but the \$5,000,000 for new capital purposes is properly includible.

The above figures of cost of physical property should therefore be increased in each case by \$16,989,033.25, which would make the net original cost figure \$181,981,622 and the net 1921 cost figure \$201,105,711.

The present capitalization to be considered in connection with these figures is \$164,250,423, plus 766,530 shares of no par value common stock.

New York Consolidated Railroad Company and New York Municipal Railway Corporation Valuations.

Valuations on a similar basis were also presented with relation to New York Consolidated Railroad Company and New York Municipal Railway Corporation. The original cost estimate as of December 31, 1922, is as follows:

Operative property	\$111,134,060
Non-operative property	1,389,151
	\$112,523,211

From this \$1,666,836 is deducted as a conditioning cost, making a net original cost figure of \$110,856,375. As explained above, deduction is made from the valuation on the Contract No. 4 subway properties on the basis of the Delaney depreciation formula.

The 1921 reproduction cost estimate for these properties is \$156,296,659, from which is deducted depreciation amounting to \$31,771,724 which would leave a net figure of \$124,524,935.

As in the case of the B. R. T. System as a whole, additions should be made to these figures to cover other assets. On the figure of \$11,989,033.25 included for the system the portion properly allocated to the rapid transit company is \$4,738,977.28.

In addition, the \$5,000,000 contributed by the stockholders goes to the rapid transit account, so that the physical cost figures should be increased by \$9,738,977.28.

This would make the total on the original cost basis \$120,595,352.28 and on the 1921 reproduction cost \$134,263,912.28.

Against this there is proposed a capitalization of \$116,475,500, plus 189,000 shares of no par value stock.

During the course of these hearings an important decision was handed down by the United States Supreme Court (May 21, 1923) in *Missouri ex rel. Southwestern Bell Telephone Company vs. Public Service Commission of Missouri, etc.* The gist

of this decision would seem to be set forth in the following quotation from the majority opinion:

"It is impossible to ascertain what will amount to a fair return on properties devoted to public service without giving consideration to the cost of labor, supplies, etc., at the time the investigation is made. An honest and intelligent forecast of probable future values made upon a view of all the relevant circumstances, is essential. If the highly important element of present costs is wholly disregarded such a forecast becomes impossible. Estimates for tomorrow cannot ignore prices of today."

Much as I am predisposed to original costs or prudent investment as the more certain and, in the long run, better basis for determining values, this decision is the law of the land and must be followed by this and other commissions. It does not, of course, mean allowing in full at present day prices, because in the case referred to the Supreme Court did not allow the full present-day reproduction cost set forth in the record in that case. It does mean, however, that consideration cannot be restricted solely to original costs.

The Corporation Counsel seemingly accepted the estimate of gross original cost. In any event, no substantial criticism was made of that figure. The main point of objection, as indicated by counsel on cross-examination and as brought out by the City's witnesses, was that the deduction of amounts necessary to put the property in first-class operating condition was not sufficient, but that the deduction should be made on the basis of straight-line depreciation. I have considered various incidental objections as to the character and condition of car barns, etc., and of the lack, in some of the exhibits presented by the applicant, of figures for depreciation or conditioning non-operating property. These matters, however, are not of sufficient moment substantially to affect the main question.

The main issue is conditioning costs versus straight-line depreciation.

Straight-line depreciation may best be explained by a concrete illustration: Assume a building worth \$100,000, with an estimate life of fifty years. Under this theory \$2,000 of the life of this building would expire every year, and therefore the amount of the deduction is found by multiplying this assumed annual depreciation by the number of years the property is in service. Thus, if it were in service 25 years, \$50,000, or 50% of its value, would be gone.

On the other hand, the conditioning theory is based upon considering the property as a going concern, with its value not so much as a congeries of parts, but as an operating whole. Experience shows that sums of money—far less than those assumed by theoretical depreciation—can generally put a property in condition to render the service for which it is intended, and thereby in a position to earn substantially the full amount upon the investment originally made.

The difficulty in determining valuations of public utilities in large part comes from extreme positions taken by the parties to a controversy. No single method can be applied with justice in all cases, and one theory or one method may have to be modified to meet varying conditions. In actual business affairs property is valued and bought and sold upon the application of common sense and business judgment, and not by rigid, hard and fast theories. It should always be kept in mind that a theory like a hobby can be ridden to death.

In the study of this case I have examined and analyzed a mass of figures dealing with original cost and 1921 costs of power houses, cars and other properties and contrasting conditioning and depreciation estimates. After studying this detailed data, and the arguments urged in support of the several theories, I have come to the conclusion that no good purpose could be served by attempting to decide this branch of the case on any such narrow consideration of details. The recent decision of the Supreme Court lays down a rule that must be followed. It would seem that in a capitalization or rate case a commission is debarred from deciding solely on original cost. It therefore amounts to this: If the Commission should accept the contention of the Corporation Counsel, first using original cost and deducting depreciation, it would then have to add a substantial additional allowance in order to give "consideration to the cost of labor, supplies, etc., at the time the investigation is made." In my judgment the net result in this case would be to deduct a certain sum on one side and add probably an increased sum on the other side.

The Commission is not required in a proceeding such as this to fix the value of

the property in dollars and cents. Under the statutes it is required to ascertain whether the proposed capitalization is within the fair value of the property. Under all the circumstances of this case, I conclude that, viewing the matter broadly, consideration of present prices would compel the fixing of a value at least equal to the original, less conditioning, cost in evidence in this proceeding.

I therefore conclude and recommend that this reorganization be approved, and that the authorization of the Commission be given as asked in the three pending applications.

The hearings should be continued to consider supplemental applications for the approval of mortgages and the like.

Forms of orders carrying this recommendation into effect are submitted herewith.

(Signed) LE ROY T. HARKNESS,
Commissioner.

Dated, New York, June 4, 1923.

CERTIFICATE OF MERGER
of
NEW YORK MUNICIPAL RAILWAY CORPORATION
into
NEW YORK CONSOLIDATED RAILROAD COMPANY.

New York Consolidated Railroad Company, pursuant to the provisions of section 15 of the Stock Corporation Law of the State of New York, and pursuant to the provisions of section 149 of the Railroad Law of said State, hereby certifies, under its common or corporate seal, as follows:

First: That New York Consolidated Railroad Company is a domestic stock corporation organized and existing under the Railroad Law of the State of New York, formed through the consolidation of the capital stock, franchises and property of Brooklyn Union Elevated Railroad Company, Sea Beach Railway Company and Canarsie Railroad Company, and that the agreement of consolidation, dated October 22, 1912, under which New York Consolidated Railroad Company was formed and is organized and exists, was duly filed and recorded in the office of the Secretary of State of the State of New York on November 30, 1912, and in the office of the Clerk of Kings County, in said State, on the same date.

Second: That on and prior to May 25, 1923, New York Municipal Railway Corporation was also a domestic stock corporation organized and existing under the Railroad Law of the State of New York and Chapter 4 of the Laws of 1891 of said State, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," and the acts amendatory thereof and supplemental thereto, and that its certificate of incorporation was duly filed and recorded in the office of the Secretary of State of the State of New York on September 27, 1912, and in the office of the Clerk of Kings County, in said State, on the same date.

Third: That on May 25, 1923, New York Consolidated Railroad Company, being the lessee of the road of New York Municipal Railway Corporation, had acquired and lawfully owned all the capital stock of said New York Municipal Railway Corporation; that on said date the board of directors of New York Consolidated Railroad Company, by resolutions duly adopted at a meeting of said board duly and regularly called and held on said date, determined to and did merge said New York Municipal Railway Corporation and directed that a certificate of ownership of such stock and of the adoption of such resolutions to merge said corporation be made, executed and filed in the office of the Secretary of State of the State of New York and in the office of the Clerk of Kings County in said State; that the resolutions so adopted by said board of directors were as follows:

Whereas, New York Municipal Railway Corporation, a domestic stock corporation organized and existing under the Railroad Law of the State of New York and Chapter 4, of the Laws of 1891 of said State, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," and the acts amendatory thereof and supplemental thereto, was organized for, and is engaged in, business similar or incidental to that of New York Consolidated Railroad Company, a domestic stock corporation

organized and existing under the Railroad Law of said State, and New York Consolidated Railroad Company is the lessee of the road of said New York Municipal Railway Corporation; and

Whereas, New York Consolidated Railroad Company, being the lessee of the road of the said New York Municipal Railway Corporation, has acquired and now lawfully owns all the capital stock of said New York Municipal Railway Corporation, and desires to merge the said corporation and to acquire and become and be possessed of all the estate, property, rights, privileges and franchises of said corporation, to the end that they shall vest in and be held and enjoyed by New York Consolidated Railroad Company as fully and entirely and without change or diminution as the same were before held and enjoyed by said corporation, and be managed and controlled by the board of directors of New York Consolidated Railroad Company and in its name, but without prejudice to any liabilities of said New York Municipal Railway Corporation or the rights of any creditors thereof:

Resolved, That, subject to the permission and approval of the Transit Commission of the State of New York, New York Consolidated Railroad Company merge and it hereby does merge said New York Municipal Railway Corporation; and further

Resolved, That the officers of New York Consolidated Railroad Company be, and they hereby are, respectively authorized and directed to make and execute, under the common or corporate seal of New York Consolidated Railroad Company, a certificate of such ownership and of the adoption of these resolutions by the board of directors of New York Consolidated Railroad Company to merge said New York Municipal Railway Corporation, and upon obtaining such permission and approval of said Transit Commission, to file such certificate in the office of the Secretary of State of the State of New York and a duplicate or certified copy thereof in the office of the Clerk of Kings County, in said State; and further

Resolved, That the officers of New York Consolidated Railroad Company be, and they hereby are, respectively authorized and directed to make and prosecute any and all such applications before said Transit Commission and to do any and all such other and further acts and deeds as in their discretion shall be necessary or convenient and proper to carry out and effectuate the purposes and intent of the foregoing resolutions.

In Witness Whereof, New York Consolidated Railroad Company has caused these presents to be signed in its behalf by its President or a Vice-President, and its common or corporate seal to be hereunto affixed, attested by its Secretary or an Assistant Secretary, this 26th day of May, 1923.

NEW YORK CONSOLIDATED RAILROAD COMPANY,

By GEORGE B. GALLAGHER,
Vice-President.

(Corporate Seal)

Attest:

J. H. BENNINGTON,
Secretary.

State of New York, }
County of Kings, } ss.:

On the 26th day of May, 1923, before me personally came George B. Gallagher, to me known, who being by me duly sworn, did depose and say that he resides in Borough of Brooklyn, State of New York; that he is the Vice-President of New York Consolidated Railroad Company, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

(Notary Seal)

H. R. PORRS,

Notary Public, Kings Co. No. 45,
Certificate filed Kings Co. Reg. No.
4044, Queens Co. Cl'k No. 816, New
York Co. Cl'k No. 90, Reg. No.
4110. Term expires March 30, 1924.

PERMISSION AND APPROVAL

of

TRANSIT COMMISSION

Pursuant to authority upon it conferred by Chapter 48 and Chapter 49 of the Consolidated Laws of the State of New York, and the acts amendatory thereof and

supplemental thereto, the Transit Commission of the State of New York, by order duly made and adopted at a meeting held June 4, 1923, has permitted and approved and does hereby permit and approve the merger of New York Municipal Railway Corporation into New York Consolidated Railroad Company, the certificate for which merger is hereto annexed, upon the terms and conditions of such merger and the mode of carrying the same into effect as prescribed in said certificate.

In Witness Whereof, the said Transit Commission of the State of New York has caused these presents to be executed by its Chairman and its Secretary under its official seal, this 4th day of June, 1923.

TRANSIT COMMISSION OF THE STATE OF NEW YORK,
By GEORGE McANENY,
Chairman.

(SEAL)
Attest:

JAMES B. WALKER,
Secretary.

At a Meeting of the Transit Commission held at its office,
No. 49 Lafayette Street, Borough of Manhattan, City of
New York, on the 4th day of June, 1923.

Present:

GEORGE McANENY, }
Chairman. } Commissioners.
LE ROY T. HARKNESS }
JOHN F. O'RYAN }

IN THE MATTER
of the

Application of the Committee under the Reorganization
Plan for the approval of Plan and Agreement for
the Reorganization of BROOKLYN RAPID TRANSIT
COMPANY and RAPID TRANSIT RAILROAD and SURFACE
RAILROAD SUBSIDIARY COMPANIES.

CASE No. 2679.

IN THE MATTER
of the

Application of NEW YORK CONSOLIDATED RAILROAD
COMPANY for permission and approval of the merger
of NEW YORK MUNICIPAL RAILWAY CORPORATION
into NEW YORK CONSOLIDATED RAILROAD COMPANY.

ORDER PERMITTING AND AP-
PROVING MERGER.

NEW YORK CONSOLIDATED RAILROAD COMPANY having applied to the Commission by application dated and verified May 26, 1923, for permission and approval of the merger of NEW YORK MUNICIPAL RAILWAY CORPORATION into NEW YORK CONSOLIDATED RAILROAD COMPANY upon the terms and conditions of such merger and the mode of carrying the same into effect as prescribed in the certificate of merger, a copy of which is annexed to said application, and a hearing having been duly had on said application and due deliberation having been had, it is

Ordered, That, pursuant to authority upon it conferred by Chapter 48 and Chapter 49 of the Consolidated Laws of the State of New York, and by the acts amendatory thereof and supplemental thereto, the Commission hereby permits and approves the merger of NEW YORK MUNICIPAL RAILWAY CORPORATION into NEW YORK CONSOLIDATED RAILROAD COMPANY, upon the terms and conditions of such merger and the mode of carrying the same into effect as prescribed in the certificate of merger, a copy of which is annexed to the application herein; and it is

Further Ordered, That the Chairman and the Secretary of the Commission be and they hereby are authorized and directed to make and execute, under the official seal of the Commission, a certificate of its permission and approval of such merger in substantially the following form:

“PERMISSION AND APPROVAL
of
TRANSIT COMMISSION

Pursuant to authority upon it conferred by Chapter 48 and Chapter 49 of the Consolidated Laws of the State of New York, and the acts amendatory thereof and supplemental thereto, the Transit Commission of the State of New York, by order duly made and adopted at a meeting held June 4, 1923, has permitted and approved and does hereby permit and approve the merger of New YORK MUNICIPAL RAILWAY CORPORATION into NEW YORK CONSOLIDATED RAILROAD COMPANY, the certificate for which merger is hereto annexed, upon the terms and conditions of such merger and the mode of carrying the same into effect as prescribed in said certificate.

In Witness Whereof, the said Transit Commission of the State of New York has caused these presents to be executed by its Chairman and its Secretary under its official seal, this 4th day of June, 1923.

TRANSIT COMMISSION OF THE STATE OF
NEW YORK

By.....
Chairman.

Attest:

.....
Secretary.”

BY THE TRANSIT COMMISSION
JAMES B. WALKER,
Secretary.

At a Meeting of the Transit Commission held at its office,
No. 49 Lafayette Street, Borough of Manhattan, City of
New York, on the 4th day of June, 1923.

Present :
GEORGE MCANENY,
Chairman. } Commissioners.
LE ROY T. HARKNESS }
JOHN F. O'RYAN }

IN THE MATTER
of the
Application of the Committee under the Reorganization
Plan for the approval of Plan and Agreement for
the Reorganization of BROOKLYN RAPID TRANSIT
COMPANY and RAPID TRANSIT RAILROAD and SURFACE
RAILROAD SUBSIDIARY COMPANIES.

CASE No. 2679.

IN THE MATTER
of the
Application of the Committee under the Reorganization
Plan for the approval of Plan and Agreement for
the Reorganization of BROOKLYN RAPID TRANSIT
COMPANY and RAPID TRANSIT RAILROAD and SURFACE
RAILROAD SUBSIDIARY COMPANIES.

SUPPLEMENTAL APPLICATION
No. 1—REORGANIZATION
OF NEW YORK CONSOLI-
DATED RAILROAD COMPANY
AND NEW YORK MUNICI-
PAL RAILWAY CORPORA-
TION.

1. Albert H. Wiggin, Charles A. Boody, Gerhard M. Dahl, Frederick H. Ecker, Charles Hayden, Seward Prosser and Frederick Strauss, acting as the Committee (hereinafter referred to as the Committee) to effect the reorganization of Brooklyn Rapid Transit Company and its rapid transit railroad and surface railroad subsidiary companies under a certain Plan and Agreement of Reorganization dated March 15, 1923 (hereinafter referred to as the Plan and Agreement of Reorganization), having here-

tofore, on or about March 23, 1923, by application dated and filed on said date in the above entitled proceeding, submitted to the Commission said Plan and Agreement of Reorganization and requested the authorization by the Commission of such parts of said Plan and Agreement of Reorganization as, under the laws of the State of New York, require its authorization for the consummation thereof; and

2. The Committee heretofore, on or about April 30, 1923, by supplemental application dated and filed on said date in the above entitled proceeding, (1) having submitted to the Commission a certain Plan of Readjustment dated April 26, 1923 (hereinafter referred to as the Plan of Readjustment), adopted and promulgated by the Committee as provided in Section 10 of the Stock Corporation Law of the State of New York and pursuant to the authority conferred upon it by said Plan and Agreement of Reorganization, providing for the reorganization of New York Municipal Railway Corporation (hereinafter referred to as the Railway Corporation) and New York Consolidated Railroad Company (hereinafter referred to as the Consolidated Company) and their properties and for or in anticipation of the readjustment of the respective interests therein of the creditors, mortgagees and stockholders of and holders of claims against said corporations, and for the representation of such interests in the bonds or stock of the new corporation to be formed as contemplated by said Plan of Readjustment and as provided for in Sections 9 and 10 of the Stock Corporation Law, and (2) having applied for an order authorizing the reorganization of said Railway Corporation and said Consolidated Company in accordance with and as provided for in said Plan of Readjustment and authorizing the amount of capitalization of the new corporation in such reorganization as in said Plan of Readjustment set forth, pursuant to and as provided for in Section 55a of the Public Service Commission Law of the State of New York; and

3. The Committee having heretofore filed with the Commission, in the above entitled proceeding, copies of the offers dated April 5, 1923, made by said Committee pursuant to and in accordance with said Plan and Agreement of Reorganization to the holders of general unsecured contract claims against said Brooklyn Rapid Transit Company, said Railway Corporation and said Consolidated Company, for the readjustment of their said claims against said respective corporations in accordance with the terms of said offers; and

4. The Committee having heretofore filed with the Commission, in the above entitled proceeding, a copy of the offer dated April 30, 1923, made by said Committee pursuant to and in accordance with said Plan and Agreement of Reorganization, conferring upon the holders of preferred or common stock of said Consolidated Company (or of Brooklyn Union Elevated Railroad Company) the option, in lieu of readjusting their interests upon the payment of an assessment of \$100 per share for preferred stock and \$105 per share for common stock under said Plan of Readjustment, to exchange their stock, without the payment of any assessment, for preferred and common stock of the new corporation organized or to be organized in said reorganization to succeed said Brooklyn Rapid Transit Company, on the basis set forth in said offer; and

5. Hearings having been duly had on said applications as supplemented by said offers, after due publication of the time, place and purposes thereof, counsel for the Committee being heard in support of said application and the Corporation Counsel of the City of New York in opposition thereto, and due deliberation having been had, it appearing and the Commission finding:

(a) That the holders of substantially more than a majority in amount of the stock of said Brooklyn Rapid Transit Company, and of its several issues of secured bonds and notes outstanding, and the holders of substantially more than a majority in amount of the general unsecured claims against said corporation, have heretofore assented to said Plan and Agreement of Reorganization, in the manner therein provided:

(b) That the holders of substantially all of the stock of said Consolidated Company and of the First Mortgage 5% Sinking Fund Gold Bonds, Series A, of said Railway Corporation (assumed and guaranteed by said Consolidated Company), and the holders of substantially all of the general unsecured claims against said corporation, have assented to said Plan of Readjustment, in the manner therein provided, and that all the stock of said Railway Corporation is or at the time of the merger of said corporation into said Consolidated Company was owned by said Consolidated Company;

(c) That, as provided in said Plan and Agreement of Reorganization, the new corporation formed or intended to be formed in such reorganization to acquire title to and take and possess the property and franchises of said Brooklyn Rapid Transit Company and of its Receiver, and to be vested with and entitled to exercise and enjoy all the rights, privileges and franchises of said Brooklyn Rapid Transit Company or its Receiver, pursuant to Sections 9 and 10 of the Stock Corporation Law of the State of New York, is to have an authorized issue of bonds to be known as its Rapid Transit Security Sinking Fund Gold Bonds issuable in series to an aggregate principal amount not exceeding \$250,000,000 at any one time outstanding, and an authorized issue of 1,200,000 shares of capital stock without nominal or par value, of which 350,000 shares are to be preferred stock and 850,000 shares are to be common stock, and that such new corporation is to issue in the reorganization, in respect of said property and franchises so to be acquired and cash to be received by it as provided in said Plan and Agreement of Reorganization, bonds and stock as follows:

\$92,698,000 principal amount of its Rapid Transit Security 6% Sinking Fund Gold Bonds, Series A, dated as of July 2, 1923, payable July 1, 1968, and otherwise as provided in said Plan and Agreement of Reorganization;

239,556 shares of preferred stock (Series A) without nominal or par value, entitled to dividends at the rate of \$6 per share per annum, but no more, cumulative without interest from and after July 1, 1926, and redeemable in whole or in part at \$100 per share and all arrears of cumulative dividends;

766,350 shares of common stock without nominal or par value;

Such additional amounts of said Rapid Transit Security 6% Sinking Fund Gold Bonds, Series A, and such additional number of shares of preferred stock (Series A) and common stock, as may be required by the Committee to enable it to comply with offers heretofore made as aforesaid to holders of general unsecured contract claims and to holders of preferred stock or common stock of said Consolidated Company or of said Brooklyn Union Elevated Railroad Company.

(d) That, as provided in said Plan of Readjustment, the new corporation intended to be formed in such reorganization to acquire title to and to take and possess the property and franchises, and to be vested with and entitled to exercise and enjoy the rights, privileges and franchises of said Consolidated Company (including the property, franchises, rights and privileges of or belonging to said Railway Corporation at the time of the merger thereof into said Consolidated Company) and of the Receiver of said corporations, pursuant to Sections 9 and 10 of the Stock Corporation Law of the State of New York, is to have an authorized issue of bonds to be known as its First and Refunding Mortgage Bonds issuable in series to an aggregate principal amount not exceeding \$73,000,000 at any one time outstanding, an authorized issue of bonds to be known as its Refunding Mortgage Bonds issuable in series to an aggregate principal amount not exceeding \$300,000,000 at any one time outstanding, and an authorized capital stock not exceeding 189,000 shares of common stock without nominal or par value; and said new corporation is to issue in the reorganization, in respect of said property and franchises so to be acquired and cash to be received by it, Refunding Mortgage Bonds and capital stock not exceeding

\$93,508,500 principal amount of Refunding Mortgage 5% Sinking Fund Gold Bonds, Series A, dated as of July 2, 1923, payable July 1, 1968, redeemable at 107½% of the principal amount thereof, and otherwise as provided in said Plan of Readjustment;

189,000 shares of common stock, without nominal or par value.

(e) That the amount of capitalization upon the reorganization of said Brooklyn Rapid Transit Company, as provided in said Plan and Agreement of Reorganization as supplemented by said offers, including therein all stocks and bonds and other evidence of indebtedness, will not exceed the fair value of the property involved, taking into consideration its original cost of construction, duplication cost, present condition, earning power at reasonable rates and all other relevant matters and the additional sums to be actually paid in cash, with due allowance for discount of bonds;

(f) That the amount of capitalization upon the reorganization of said Railway Corporation and said Consolidated Company, as provided in said Plan of Readjustment, including therein all stocks and bonds and other evidence of indebtedness; will not

exceed the fair value of the property involved, taking into consideration its original cost of construction, duplication cost, present condition, earning power at reasonable rates and all other relevant matters and the additional sums to be actually paid in cash, with due allowance for discount of bonds;

(g) That provision is made in said Plan and Agreement of Reorganization, and is to be effectuated in the reorganization, for the representation of the public authorities on the board of directors of the new corporation formed or intended to be formed to succeed said Brooklyn Rapid Transit Company; and

(h) That it is to the public interest that the receiverships of said Brooklyn Rapid Transit Company and of its rapid transit railroad and surface railroad subsidiary companies in receivership be terminated and that the properties and franchises involved in said reorganizations be returned to their owners in solvent condition;

SECTION I.

Ordered, That the reorganization of said Brooklyn Rapid Transit Company as provided in said Plan and Agreement of Reorganization dated March 15, 1923, as supplemented by offers heretofore made by the Committee, pursuant to the provisions thereof, and the capitalization of the new corporation formed or intended to be formed upon such reorganization as provided in said Plan and Agreement of Reorganization consisting of bonds and stock to be issued in the reorganization as stated in paragraph (c) are authorized, and that said new corporation, upon acquiring in such reorganization the shares of preferred stock and common stock of said Consolidated Company owned by said Brooklyn Rapid Transit Company, namely, 47,854.8539 shares of the total 50,000 shares of preferred stock and 131,800.3063 shares of the total 139,000 shares of common stock outstanding, is authorized pursuant to Section 54 of the Public Service Commission Law of the State of New York, as a corporation holding a majority of the capital stock of said Consolidated Company, to acquire and hold all or any part of the remainder of the capital stock of said Consolidated Company and to issue in exchange therefor its own preferred and common stock on the basis set forth in said offer dated April 30, 1923, namely, for each share of preferred stock of the Consolidated Company one-half a share of preferred stock (Series A) and one-half share of common stock of said new corporation, and for each share of common stock of the Consolidated Company two-fifths of a share of preferred stock (Series A) and three-fifths of a share of common stock of said new corporation;

SECTION II.

Further Ordered, That the reorganization of said Railway Corporation and said Consolidated Company as provided in said Plan of Readjustment dated April 26, 1923, and the capitalization of the new corporation intended to be formed upon such reorganization as provided in said Plan of Readjustment consisting of bonds and stock to be issued in the reorganization as stated in paragraph (d), are authorized; and the Chairman and the Secretary of the Commission are authorized and directed to endorse upon or attach to the certificate of incorporation of the new corporation so intended to be formed in such reorganization, in substantially the form of the proposed certificate of incorporation submitted to the Commission and filed in this proceeding, a certificate of such authorization of the Commission, under its official seal, in substantially the following form:

"CERTIFICATE OF AUTHORIZATION
of
TRANSIT COMMISSION

This is to certify that, pursuant to authority upon it conferred by Chapter 48 of the Consolidated Laws of the State of New York, and the acts amendatory thereof and supplemental thereto, the Transit Commission of the State of New York, by order duly made and adopted at a meeting held June , 1923, has authorized and does hereby authorize the reorganization of New York Consolidated Railroad Company and New York Municipal Railway Corporation, as provided in the Plan of Readjustment dated April 26, 1923, referred to in the Certificate of Incorporation hereto annexed, which is hereby approved, and has authorized and does hereby authorize the capitalization of the new corporation intended to be formed by the filing of said certificate, as provided in said Plan of Readjustment.

[June 5, 1923

In Witness Whereof, The said Transit Commission of the State of New York has caused these presents to be executed by its Chairman and its Secretary, under its official seal, this day of June, 1923.

TRANSIT COMMISSION OF THE STATE
OF NEW YORK,

By.....
Chairman.

Attest:

.....
Secretary."

SECTION III.

Further Ordered, That this order is made, and the authorization of the reorganization of said Railway Corporation and said Consolidated Company as hereinabove provided is granted, without prejudice to any rights, obligations, claims or liabilities, whether accrued or to accrue, of The City of New York or of any other party in interest, under or in connection with the certain contract dated March 19, 1913, entered into between The City of New York acting by the former Public Service Commission for the First District, and said Railway Corporation, known as Contract No. 4, or under or in connection with either of the certain certificates bearing the same date, granted by said Public Service Commission to said Railway Corporation and accepted by it, relating respectively to the construction, equipment and operation of elevated extensions and additional tracks.

SECTION IV.

Further Ordered, That this proceeding is continued to hear and consider intervening petition or petitions of said new corporation intended to be formed in the reorganization of said Railway Corporation and said Consolidated Company, in respect of the issuance by it of stock, mortgages and bonds as provided in said Plan of Readjustment, and for such other and further order or orders as the Commission in its discretion may deem necessary or proper in the premises.

By THE TRANSIT COMMISSION,
JAMES B. WALKER,
Secretary.

749

Upon motion duly seconded and adopted the meeting was adjourned to Tuesday, June 5, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, June 5, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

750—R. T. 7653

Agreement "CN"—Form of Contract, Specifications, Invitation to Contractors, etc., for Changes in Subway Structure Due to Widening of West 32nd Street and Construction of Ventilation Flue at West 32nd Street and Broadway—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors, and forms of contract, bond and Contractors' proposal, together with the specifications and

contract drawings for making changes in the subway structure at Broadway, incidental to the widening of West 32nd Street, and the construction of a ventilation flue at West 32nd Street and Broadway, Routes Nos. 4 and 36, Section 2, Borough of Manhattan, Agreement "CN".

Resolved, That the said Invitation to Contractors, Information for Contractors and forms of contract, bond and contractors' proposal, together with the specifications and contract drawings for making changes in the subway structure at Broadway, incidental to the widening of West 32nd Street, and the construction of a ventilation flue at West 32nd Street and Broadway, Routes Nos. 4 and 36, Section 2, Borough of Manhattan, Agreement "CN", be and hereby are approved and adopted and that the said Invitation to Contractors be published in THE CITY RECORD, every day of publication continuously from and including June 7, 1923 to and including June 21, 1923, and on June 11, 1923 and June 18, 1923, in THE NEW YORK TIMES and THE SUN and THE GLOBE, daily newspapers published in The City of New York, and that such bids as shall be received shall on the 21st day of June, 1923, at eleven-thirty (11:30) o'clock A. M., or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission, and read.

751—R. T. 7665

Routes Nos. 36 & 37, Section No. 1—Form of Contract, Specifications, Invitation to Contractors, etc., for Installation of Switchback Track and Miscellaneous Work East of Queensboro Plaza Station—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors, and forms of contract, bond and contractors' proposal, together with the specifications and contract drawings for installing tracks, including the furnishing of some of the necessary materials for a switchback track and the approaches thereto and other miscellaneous track work east of Queensboro Plaza Station, Corona Branch, Queensboro Subway Rapid Transit Railroad, Routes Nos. 36 and 37, Section 1, in the Borough of Queens;

Resolved, That said Invitation to Contractors, Information for Contractors, and forms of contract, bond and contractors' proposal, together with the specifications and contract drawings for installing tracks, including the furnishing of some of the necessary materials for a switchback track and the approaches thereto and other miscellaneous track work east of Queensboro Plaza Station, Corona Branch, Queensboro Subway Rapid Transit Railroad, Routes Nos. 36 and 37, Section 1, in the Borough of Queens, be and are hereby approved and adopted, and that said Invitation to Contractors be published in THE CITY RECORD, every day of publication continuously from and including June 7, 1923 to and including June 20, 1923, and on June 11, 1923 and June 18, 1923 in THE MORNING TELEGRAPH and THE EVENING TELEGRAM, daily newspapers published in The City of New York, and that such bids, as shall be received shall, on the 20th day of June, 1923, at eleven-thirty (11:30) o'clock A. M., or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission, and read.

752—R. T. 7572

Agreement "BV"—Report by Chief Engineer as to Receipt of Bids for Miscellaneous Construction and Station Finish and Recommendation for Award of Contract to D. C. Serber at Bid Price of \$15,020—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

June 4, 1923.

TO: THE TRANSIT COMMISSION

Award of Contract, Agreement "BV" to D. C. Serber, Low Bidder.

On June 1, 1923, the following bids were received for work under Agreement "BV", (Revised), for Miscellaneous Construction and Station Finish for Rapid Transit Railroads in the Boroughs of Manhattan, The Bronx, Brooklyn and Queens:

D. C. Serber.....	451 West 16th Street, N. Y. C....	\$15,020.00
Hamme & Jackson, Inc..	1014 East 14th St., Brooklyn.....	19,265.00

Our estimate for this work was \$11,928.

This agreement "BV" is the same as was referred back to the Transit Commission by the Board of Estimate and Apportionment on July 19, 1922, with certain revisions to meet objections raised by that Board. Some items have been omitted, amongst them, installing of bluestone curb at Hugh J. Grant Circle to which the Board objected.

D. C. Serber, the lowest bidder, has done considerable work previously for the Commission. He was the principal member of Serber-Stander Company, Inc., which Corporation had the contract for station finish on Route 5, Sections 1 to 4, comprising all stations on the Municipal Railway Corporations Broadway Line from Rector Street to 14th Street Stations, inclusive, this contract amounting to about \$344,700. It also had the contract for station finish on Routes 4 & 36 and Route 20, 23rd Street and 28th Street Stations on Broadway, and Broadway Station on Canal Street. This contract amounted to about \$149,300. D. C. Serber was the Contractor for completion of station finish on the Brooklyn-Manhattan Loop Line and 4th Avenue Subway, which amounted to about \$69,100. Besides this, D. C. Serber has had a number of smaller contracts for the Commission and its predecessors and his work has been done to our satisfaction.

I have looked into the bid prices of D. C. Serber and find them reasonable under present conditions of the labor and material market, although uniformly a little higher than our estimate.

Attached I send you minutes of a conference held in my office June 2nd with Mr. D. C. Serber, which includes his financial statement as of June 1st. I also send, for your information, twelve (12) blue-prints of the summation of bids received.

Recommendation: I recommend that the contract for work under Agreement "BV", (Revised), for Miscellaneous Construction and Station Finish for Rapid Transit Railroads in the Boroughs of Manhattan, The Bronx, Brooklyn and Queens, be awarded to the lowest bidder, D. C. Serber, at his bid figure of \$15,020, and that a request be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged as follows:

Contract No. 3.....	\$12,270.00
Contract No. 4.....	2,750.00

ROBT. RINGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for Miscellaneous Construction and Station Finish for Rapid Transit Railroads in the Boroughs of Manhattan, The Bronx, Brooklyn and Queens, was heretofore finally adopted and subsequent to advertisement duly made, bids respectively totalling as follows were received on June 1, 1923:

D. C. Serber	\$15,020.00
Hamme & Jackson, Inc.....	19,265.00

; and

Whereas, The Chief Engineer of this Department, by communication dated June 4, 1923, has reported that the amount of said bid is reasonable and that the said D. C. Serber, the low bidder, is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$15,020, the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of D. C. Serber submitted as aforesaid be and the same hereby is accepted and the said proposed contract for Miscellaneous Construction and Station Finish for Rapid Transit Railroads in the Boroughs of Manhattan, The Bronx, Brooklyn and Queens be and the same hereby is awarded to said D. C. Serber, subject to its being approved and consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$15,020, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

June 5, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and D. C. Serber for Miscellaneous Construction and Station Finish for Rapid Transit Railroads in the Boroughs of Manhattan, The Bronx, Brooklyn and Queens, together with a requisition upon your Honorable Board for the appropriation of the sum of Fifteen thousand twenty dollars (\$15,020), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on June 1, 1923, respectively totalling as follows:

D. C. Serber.....	\$15,020.00
Hamm & Jackson, Inc.....	19,265.00

The Chief Engineer of this Department, in a communication dated June 4, 1923, reports that the bid of D. C. Serber, the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said D. C. Serber, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Fifteen thousand twenty dollars (\$15,020), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Fifteen thousand twenty dollars (\$15,020).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition, to the extent of Twelve thousand two hundred seventy dollars (\$12,270) is a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, and the appropriations made by your Board thereunder and to the extent of Two thousand seven hundred fifty dollars (\$2,750) is a subrequisition under and not in addition to the requisition heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4, and the appropriations made thereunder by your Honorable Board.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

753—R. T. 6881

Order No. 3—Report by Chief Engineer Recommending Readjustment of Appropriations and Requisition for \$15.21 Additional Under Contract for Hauling and Storing Treated Ties—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated June 2, 1923, recommending that a request be made to the Board of Estimate and Apportionment for a readjustment of the appropriations made under Contracts Nos. 3 and 4 for hauling and storing

treated ties and that a request be made for an additional appropriation of \$15.21, chargeable to Contract No. 4.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment of the City of New York, by resolutions adopted on November 22, 1918 and April 25, 1919, consented to the proposed contract between The City of New York and John C. Orr Company, for continued storage, hauling, loading and unloading of treated ties and timber required in the installation of tracks in municipal rapid transit railroads to be constructed pursuant to the contracts dated March 19, 1913, known respectively as Contract No. 3 and Contract No. 4, and said Board, as in said resolutions more particularly set forth, appropriated the money estimated to be necessary to meet the obligations of the City under said proposed contract; and

Whereas, The Chief Engineer of this Commission, by communication dated June 2, 1923, has reported with respect to the performance of the work under said contract and as to the necessity for a readjustment of the appropriations made as aforesaid by said Board in respect of their charges against said Contracts Nos. 3 and 4; and

Whereas, Counsel to the Commission has prepared and submitted a proposed communication and requisition upon the Board of Estimate and Apportionment, which will effect the recommendation of the Chief Engineer in regard thereto, and has recommended the approval thereof,

Resolved, That said report and recommendation be and the same hereby is approved; that the said communication and requisition so submitted be and the same hereby are approved and that they be transmitted to said Board of Estimate and Apportionment of the City of New York.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

June 5, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board, on November 22, 1918, adopted the following resolution:

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended by chapter 625 of the Laws of 1917; the provisions of section 45 of the Greater New York Charter, and the requisition of the Public Service Commission for the First District, duly made by said Commission on October 25, 1918, the Board of Estimate and Apportionment does hereby consent to the contract proposed to be entered into between The City of New York, acting by said Commission, and the John C. Orr Company, for the continued storage, hauling, loading and unloading of treated ties and timber needed in the installation of tracks for rapid transit railroads to be constructed under Contracts Nos. 3 and 4, at an estimated cost of three thousand two hundred dollars (\$3,200); and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be three thousand two hundred dollars (\$3,200); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding three thousand two hundred dollars (\$3,200), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value of the stock to be applied to the purposes of the contract with the John C. Orr Company, as set forth in this resolution, and more particularly described in the requisition of the Public Service Commission to this Board dated October 25, 1918; one thousand six hundred dollars (\$1,600) of said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board on March 18, 1913, and the supplemental general appropriations subsequently made thereto for the purpose of providing funds to meet the City's obligations under rapid transit Contract No. 3; and one thousand six hundred dollars (\$1,600) of said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made

by the Board on March 18, 1913, and the supplemental general appropriations subsequently made thereto for the purpose of providing funds to meet the City's obligations under rapid transit Contract No. 4.

and on April 25, 1919, with respect to the same subject matter, adopted the following resolution:

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891 as amended by chapter 625 of the Laws of 1917; the provisions of section 45 of the Greater New York Charter, and the requisition of the Public Service Commission for the First District of April 2, 1919, the Board of Estimate and Apportionment does hereby consent to an additional appropriation of two thousand six hundred dollars (\$2,600), requested by the Commission for the purpose of carrying out the contract between the City of New York, acting by said Commission, and the John C. Orr Company, for the continued storage, hauling, loading and unloading of treated ties and timber, Order No. 3, for use in the installation of tracks on rapid transit railroads, which contract was authorized by the Board of Estimate and Apportionment on November 22, 1918, at a total estimated cost of three thousand two hundred dollars (\$3,200); and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be two thousand six hundred dollars (\$2,600); and be it further

Resolved, That the Comptroller be and he is hereby authorized and requested to issue corporate stock of the City of New York to an amount not exceeding two thousand six hundred dollars (\$2,600), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe; the proceeds to the amount of the par value of the stock to be applied to the purposes of the contract with John C. Orr Company, as set forth in this resolution and more particularly described in the requisition of the Public Service Commission to this Board, dated April 2, 1919; two hundred dollars (\$200) of said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under rapid transit Contract No. 3; and two thousand four hundred dollars (\$2,400) of said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under rapid transit Contract No. 4.

The Chief Engineer of this Commission, by communication dated June 2, 1923, has reported with respect to the work under said contract as follows:

All of the work under the contract dated December 20, 1918 with the John C. Orr Company for storing and hauling treated ties has been performed. It will be necessary, however, before a final estimate can be rendered to have the present appropriations redistributed as to Contract No. 3 and Contract No. 4 and a small additional amount of money made available. This is due to the long period of time over which this contract has run and also to the fact that it has not been always possible to accurately forecast the actual use of materials on Contract No. 3 and Contract No. 4, lines or the duration of the storage periods.

On November 22, 1918, the Board of Estimate and Apportionment set aside \$3200. divided \$1600. to Contract No. 3 and \$1600. to Contract No. 4. On April 25, 1919 it set aside \$2600. additional divided \$200. to Contract No. 3 and \$2400 to Contract No. 4. The totals to date are therefore \$1800. to Contract No. 3 and \$4000. to Contract No. 4.

If the Board of Estimate and Apportionment comply with the following recommendation, it will permit us to render a final estimate without further transfer of funds and with no unexpended balances.

Recommendation: That of the above mentioned \$1800. now set aside for Contract No. 3 and the sum of \$269.38 be transferred to Contract No. 4 and that an additional sum of \$15.21 be appropriated chargeable to Contract No. 4.

Your Honorable Board is accordingly requested to amend said resolution of your Board so as to rescind that portion of the moneys appropriated as aforesaid and charged

to the authorizations made for Contract No. 3 to the extent of Two hundred sixty-nine dollars and thirty-eight cents (\$269.38) and to return said sum to the general appropriation for said Contract No. 3.

Your Board is also requested to appropriate for the purposes of said contract, in so far as it affects Contract No. 4, the additional sum of Two hundred eighty-four dollars and fifty-nine cents (\$284.59) and to make said additional sum a further sub-authorization against the appropriations heretofore made by your Honorable Board for the purposes of carrying out said Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

754—R. T. 7496

Order No. 7—Report by Chief Engineer Recommending Readjustment of Appropriation for Supply of Ties and Timber—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated May 29, 1923, recommending that a request be made to the Board of Estimate and Apportionment for a readjustment of the appropriation of \$95,500 for the supply of ties and timber, Order No. 7, so as to make available the sum of \$74,600, chargeable to Contract No. 3, and the sum of \$20,900 chargeable to Contract No. 4.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment, by resolution adopted April 28, 1922, consented to the proposed contract between The City of New York, acting by this Commission, and Alfred R. Sax Lumber Company for the supply of Ties and Timber (Order No. 7) for use in the construction of municipal rapid transit railroads, and appropriated for said purpose the sum of \$95,500, making \$72,000 thereof a subauthorization against the appropriations made for Contract No. 3 and \$23,500 thereof as a subauthorization against the appropriations theretofore made for the purposes of Contract No. 4; and

Whereas, The Chief Engineer of this Commission, by communication dated May 29, 1923, has recommended that the Board of Estimate and Apportionment be requested to readjust the total appropriation of \$95,500 made as aforesaid, so as to make \$74,600 thereof chargeable to Contract No. 3 and \$20,900 thereof chargeable to Contract No. 4, for the reasons as more particularly set forth in his said communication; and

Whereas, Counsel has prepared and submitted a proposed requisition upon the Board of Estimate and Apportionment, which will effect the recommendation of the Chief Engineer aforesaid,

Resolved, That the said report and recommendation be and the same hereby is approved and that the requisition and communication in the form so submitted by Counsel to carry out said recommendation be and the same hereby are approved, and that they be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

June 5, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board, on April 28, 1922, adopted the following resolution:

(Cal. No. 170-A)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated May 26, 1921, the Board of Estimate and Apportionment does hereby consent to the contract with Alfred R. Sax Lumber Company for supply of ties and timber (Order No. 7) for use in the construction of municipal rapid transit railroads, at an estimated cost of ninety-five thousand five hundred

dollars (\$95,500), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be ninety-five thousand five hundred dollars (\$95,500); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding ninety-five thousand five hundred dollars (\$95,500) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged to the amount of seventy-two thousand dollars (\$72,000) as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3, and to the amount of twenty-three thousand five hundred dollars (\$23,500) as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

The Chief Engineer of this Commission, by communication dated May 29, 1923, has reported with respect to the appropriation made as aforesaid as follows:

"On April 28, 1922, the Board of Estimate & Apportionment set aside \$95,500 for carrying on the contract for the supply of ties and timber, Order No. 7 with Alfred R. Sax Lumber Co. From estimates then made as to the probable use of this material the appropriation was divided \$72,000 to Contract #3 and \$23,500 to Contract #4.

The materials have all been delivered and in accordance with their final distribution, it is necessary before a final estimate can be rendered to have \$2,600 transferred to Contract #3 from that portion of the appropriation now set aside for Contract #4. This is due principally to the fact that a quantity of untreated ties was originally charged to Contract #4 in anticipation of using them on the 14th Street-Eastern Subway, but plans were subsequently changed so as to call for the use of treated ties, and part of the resultant surplus of untreated ties was diverted to Contract #3 lines. This adjustment of the appropriation will have to be made before a final estimate can be forwarded under the contract for the supply of ties and timber, Order No. 7.

Recommendation: That the Board of Estimate & Apportionment be requested to readjust the appropriation of \$95,500 made by them on April 28, 1922 so as to make \$74,600 available under Contract #3 and \$20,900 available under Contract #4."

The Transit Commission has approved said report and recommendation and for the reasons therein set forth your Honorable Board is accordingly requested to modify said resolution of April 28, 1922 so as to rescind the authorization of Twenty-three thousand five hundred dollars (\$23,500) to the extent of Two thousand six hundred dollars (\$2,600) and to return said amount to the general appropriation made for the purposes of said Contract No. 4 and to appropriate as an additional authorization under the appropriations heretofore made for the purposes of Contract No. 3 the additional sum of Two thousand six hundred dollars (\$2,600), so that the total appropriation of Ninety-five thousand five hundred dollars (\$95,500), made pursuant to the said resolution of April 28, 1922, will be readjusted to make the subauthorization against the appropriations made for said Contract No. 3, Seventy-four thousand six hundred dollars (\$74,600) and the subauthorization against the appropriations made for said Contract No. 4 Twenty thousand nine hundred dollars (\$20,900).

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

755—R. T. 7496

Order No. 7—Report by Chief Engineer Recommending Extension of Time to May 12, 1923, within Which to Complete Delivery of Ties and Timber—Approval Resolution

A report was presented from the Chief Engineer, dated June 2, 1923, recommending that an extension of time be granted to Alfred R. Sax Lumber Company, to and including May 12, 1923, within which to complete the delivery of untreated ties and timber, Order No. 7.

The following resolution was adopted:

Whereas, The contract dated May 9, 1922, between The City of New York acting by the Transit Commission and Alfred R. Sax Lumber Company for the supply of ties and timber (Order No. 7) requires, pursuant to stipulation made part thereof that all the work required thereunder shall in all respects be completed on or before January 1, 1923; and

Whereas, The Chief Engineer of this Commission by communication, dated June 2, 1923, has recommended for the reasons therein more particularly set forth that the said time be extended to and including May 12, 1923,

Resolved, That said recommendation be and the same hereby is approved and that the time within which to complete the delivery of materials under said contract aforesaid be and the same hereby is extended to and including May 12, 1923.

756—R. T. 7007

Contract No. 3—Reports by Engineer of Equipment and Operation and Chief Engineer Recommending Modification of Resolution of December 19, 1922, Approving Installation of Multiple Door Control on 396 Subway Cars so as to Substitute Numbers of Certain Cars upon Which Device Is to be Installed—Approval Resolution

Reports were presented from the Engineer of Equipment and Operation and the Chief Engineer, dated May 28, 1923, and May 31, 1923, recommending that the resolution adopted on December 19, 1922, approving the installation of multiple door control on 396 high voltage subway cars be modified so as to substitute the numbers of certain cars upon which such device is to be installed.

The following resolution was adopted:

Whereas, By resolution adopted December 19, 1922, this Commission approved the application of Interborough Rapid Transit Company, pursuant to the provisions of the contract dated March 19, 1913, known as Contract No. 3, for the installation of a multiple door control on 396 additional subway high voltage cars, such work to be performed as an Addition, pursuant to the provisions of Articles LXX and LXXI of Contract No. 3, and assigned thereto Work Order No. ICqA-1, said resolution specifically indicating the cars upon which said device would, pursuant to said approval, be installed; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communications dated May 28, 1923, and May 31, 1923, reported as follows:

"The Commission under date of December 19, 1922, approved the installation of multiple door control on 396 high voltage control cars forming part of Equipment under Contracts No. 1 and 2. Under date of May 15, 1923, I have been advised that the company has made a different selection of cars upon which this door control is to be installed. Accordingly, I suggest that the approval resolutions hitherto adopted be changed by substituting in place of cars Nos. 3915, 4399, 4410, cars Nos. 3757, 4383, 4384."

"The Commission under date of December 19, 1922, approved the installation of multiple door control on 396 high voltage control cars forming part

of Equipment under Contracts No. 1 and 2. Under date of May 28, 1923, I have been advised that the company has made a different selection of cars upon which this door control is to be installed. Accordingly, I suggest that the approval resolutions hitherto adopted be changed by substituting in place of car No. 4483, car No. 4410."

Resolved, That said reports and recommendations be and the same hereby are approved and that said resolution of December 19, 1922, aforesaid as heretofore modified be further modified so as to effect the said recommendations hereinbefore in this resolution set forth.

757—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchasing Agent's Order for Purchase of 5,000 Tons of Open Hearth Steel Rails—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated April 12, 1923, requesting approval of a purchasing agent's order directed to the Bethlehem Steel Company, Inc., for furnishing 5,000 tons of open hearth 100 pound steel rails at a cost of \$221,000.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer, dated June 5, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Operating Materials and Supplies.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract, dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3, said Interborough Rapid Transit Company by communication, dated April 12, 1923, has submitted for the approval of this Commission proposed purchasing agent's order, dated April 12, 1923, directed to Bethlehem Steel Company, Inc., for the following:

2,500 tons open hearth steel rails, I. R. T. 1909 standard 100 lb. section, as shown on drawing No. 8761.

2,500 tons open hearth steel rails, A. R. A. type "B" standard 100-lb. section, as shown unguarded on drawing No. 15090.

The above rails to be manufactured in accordance with I. R. T. Co's specifications, dated March 8, 1923, with the following modifications:

"If the best piece breaks under the 15-ft. drop without showing physical defect, but a test piece similar in all respects fails to break under a 10-ft. drop, the heat will not be rejected in this test."

Price: \$44.20 per gross ton, f. o. b. cars, Steelton, Pa. and f. o. b. cars, Lackawanna, New York: Total.....\$221,000.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 470"; and

Whereas, By communication, dated May 21, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the specifications (originally submitted with said proposed purchasing agent's order) under which said material was to be manufactured have been examined and were found not satisfactory and by supplemental communication, dated June 5, 1923, reports that at a conference between representatives of said Interborough Rapid Transit Company and this Commission it was agreed that said objectionable specifications be modified so that the carbon content of said material would for minimum be 78 per cent. and maximum 93 per cent. and average not less than 85 per cent. and upon such understanding now recommends that said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement, dated June 9, 1923, has recommended that such material be classified as Operating Materials and Supplies, as defined in said contract,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved upon the understanding that said change in the specifications as required by the engineer be made before delivery thereof and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval made part of said proposed purchasing agent's order.

758—Case 2679

Brooklyn Rapid Transit Company et al.—Application of Stockholders' Committee for Approval of Reorganization Plan—Designation by Commission of Three Directors of Brooklyn-Manhattan Transit Corporation

The Chairman stated that, pursuant to the Voting Trust Agreement offered in evidence in Case No. 2679, with respect to the Plan of Reorganization of the Brooklyn Rapid Transit Company and its rapid transit and surface railroad subsidiary companies, the Commission was empowered to nominate three directors to the Board of Directors of the Brooklyn-Manhattan Transit Corporation.

On motion of Commissioner Harkness, duly seconded and carried, the following resolution in Case No. 2679 was unanimously adopted:

"Whereas, In pursuance of a Voting Trust Agreement offered in evidence in Case No. 2679, with respect to the Plan of Reorganization of the Brooklyn Rapid Transit Company and its rapid transit and surface railroad subsidiary companies, the Commission was empowered to nominate three directors to the Board of Directors of the Brooklyn-Manhattan Transit Corporation, now, therefore,

Resolved, In consideration of the premises, the Transit Commission hereby nominates as directors and as representatives of the public of the City of New York, upon the Board of Directors of the Brooklyn-Manhattan Transit Corporation, the following persons: Travis H. Whitney of No. 212 Columbia Heights, Brooklyn, N. Y.; Alfred E. Marling of No. 35 West 47th Street, New York City; and Robert Alfred Shaw of No. 343 Carlton Avenue, Brooklyn, N. Y.

Further Resolved, That the Secretary of the Transit Commission be and he is hereby authorized to notify said persons of their nomination and the Voting Trustees under said Voting Trust Agreement and the Brooklyn-Manhattan Transit Corporation of the same."

759—Case 2686

Bush Terminal Railroad Company—Application for Permission to Exercise Franchise and to Construct and Operate Additional Spur Track in 41st Street, Brooklyn—Report and Opinion by Acting Chief Executive Officer—Final Order and Determination Granting Application—Opinion Approved—Order Adopted

The Secretary presented a report and opinion, dated June 4, 1923, by George L. Lucas, Acting Chief Executive Officer, recommending the granting of the application of the Bush Terminal Railroad Company for permission to exercise the right to construct and operate an additional spur track in 41st Street, in the Borough of Brooklyn.

Thereupon, the above mentioned Report and Opinion was unanimously approved and an Order in Case No. 2686 was adopted granting permission to the Bush Terminal Railroad Company to exercise the right to construct and operate in the Borough of Brooklyn, an additional spur track to extend from a connection with an existing spur track in 41st Street, at a point on the easterly side of Second Avenue and running thence

easterly along 41st Street to a point 197 feet east of Second Avenue where it would enter the property of the Shipley Construction & Supply Company on the northerly side of 41st Street, in accordance with the consent granted to the Bush Terminal Railroad Company by resolution of the Board of Estimate and Apportionment adopted February 9, 1923, and the plan attached to and forming part of the resolution, and further directing that the Order should take effect at once.

760

Bureau of Explosives—Application of B. W. Dunn, Agent, Requesting Omnibus Order Covering Inter-State Traffic for Transportation of Explosives—Report by Counsel Approved—Letter Granting Permission Authorized

The Secretary presented a communication, dated May 9, 1923, from B. W. Dunn, Agent of the Bureau of Explosives, requesting that the Commission make an omnibus order permitting the publication and filing on one day's notice of schedules for the transportation of explosives and other dangerous articles. The Secretary also presented a report, dated May 24, 1923, by Assistant Counsel Cooke, recommending the granting of the application by formal letter.

Thereupon, the above mentioned report was approved and a communication to Mr. Dunn authorized granting the permission, making certain conditions as to the filing of supplements and changes.

761—R. T. 7468

Agreement "CJ"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with M. A. Charles for Construction of Bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, and Authorizing Appropriation of \$24,953.61 as City's Share—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on May 25, 1923, was ordered filed:

(Cal. No. 58)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 25, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with M. A. Charles for the construction of a concrete and steel highway bridge at 9th avenue between 37th and 38th streets, in the Borough of Brooklyn (Agreement "CJ"), at an estimated cost to The City of New York of twenty-four thousand nine hundred and fifty-three dollars and sixty-one cents (\$24,953.61), said sum being one-half of the total estimated cost of said work, namely, forty-nine thousand nine hundred and seven dollars and twenty-one cents (\$49,907.21); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty-four thousand nine hundred and fifty-three dollars and sixty-one cents (\$24,953.61); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding twenty-four thousand nine hundred and fifty-three dollars and sixty-one cents (\$24,953.61), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto,

for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, May 25, 1923.

JAMES MATTHEWS,
Assistant Secretary.

762—R. T. 7642

Agreement "CK"—Notice by Chief Engineer of Commencement of Work for Excavation and Construction of Retaining Wall at Lenox Avenue Yard—Filed

The Commission ordered filed a notice from the Chief Engineer dated June 1, 1923, advising of the commencement of work by Fox, Reynolds Company, Inc., on May 23, 1923, for excavation and construction of a retaining wall at the Lenox Avenue Yard, Seventh Avenue between 148th and 150th Streets (Agreement "CK").

763—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Submitting List of Sub-stionment Consenting to Establishment of Supplementary Schedule Item for The following report by the Chief Engineer was ordered filed:

May 29, 1923.

TO TRANSIT COMMISSION:

List of Sub-Contracts.

I submit, as follows, a list of sub-contracts, approved by this Department during the month of April.

Route No.	Section No.	Contractor.	Sub-contractor	Date of Approval	Materials.
8	6-A-1	Frederick L. Cranford, Inc.	Kalman Steel Co.	4/ 5/23	Reinforcing rods and bars, T. C. Inspected.
18	239th St. Yard, Installation of tracks (including furnishing part of track materials and construction of drainage system and concrete inspection pits).	Michael Del Balso.	Slattery Engineering & Construction Co.	4/26/23	Special track work parts furnished by Wm. Wharton, Jr., & Co., Inc.
26	Jackson Ave. Station Reconstruction.	Joslin Construction Co.	Cole - Duncan Boiler Works, Inc.	4/12/23	Anchors and bolts for reinforcement of roof.
52	Sec. 3.	Oakdale Contracting Co.	American Bridge Co.	4/ 7/23	Structural steel.
			Kalman Steel Co.	4/ 7/23	Reinforcing rods and bars, T. C. Inspected.
			Lehigh Cement Co.	4/ 7/23	Cement, T. C. Inspected.
	Additional Approach Track, 148th St. and Lenox Ave. Yard.	Slattery Engineering & Construction Co.	Goodwin - Gallagher Sand & Gravel Corp.	4/10/23	Sand and gravel, T. C. Inspected.
	Second Addition to Shops, 148th St. and Lenox Ave. Yard.	Jacob Schlesinger, Inc.	The Oltmer Iron Works.	4/17/23	Paint furnished by Debevoise Paint Co.

Route No.	Section No.	Contractor.	Sub-contractor	Date of Approval	Materials.
Third Addition to Shops, Lenox Ave. and 148th St. Yard—Constructing Foundations.		Rosenthal Engineering Contracting Co.	New York Trap Rock Co.	4/12/23	Broken stone.
Lengthening Platforms of Canal St. Station, Center St. Loop.		New York Municipal Railway Corp.	Concrete Steel Co.	4/ 5/23	Reinforcing rods.
			American Bridge Co.	4/ 5/23	Structural steel. T. C. Inspected
Contract No. 1, 168th St. Station.		Holbrook, Cabot & Rollins Corp.	J. F. Kane Co.	4/ 5/23	cement.
			John F. Mahoney, Inc.	4/ 7/23	Plastering.
			Knoburn Products Corp.	4/11/23	Kalamein work.
			D. M. McLaury Tile Co.	4/16/23	Placing of tile and mosaic.
Newsstand Enclosures, Contracts Nos. 3 and 4.		Fox, Reynolds Co., Inc.	Ofen - Porzellan Fabrik.	4/23/23	Tile.
			Youngstown Sheet & Tube Co.	4/26/23	Metal known as "Copperoid."

ROBERT RIDGWAY,
Chief Engineer.

764

Accumulation of Records—Report by Secretary Relative to Reports Filed by Street Railroad Companies as to Cars Turned Back Before Reaching Destination—Referred to Counsel

The Secretary presented his report, dated March 14, 1923, relative to the accumulation of reports filed by street railroad corporations as to cars turned back before reaching their destination.

Thereupon the above mentioned report was referred to Counsel to the Commission.

765

Employees' Calendar No. 147

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—A. James Jacobs, junior assistant, at \$125.08 per month, to take effect June 4, 1923.

Appointment under Rule VIII:4—Samuel Axelrod, junior assistant, at \$125.08 per month, to take effect June 4, 1923; Roland J. McAuliffe, engineering inspector, at \$150.08 per month, to take effect May 29, 1923; Rueben Rubin, draftsman, at \$150.08 per month, to take effect June 1, 1923; Bernard J. Sullivan, junior assistant, at \$125.08 per month, to take effect June 5, 1923; Irving Troemel, junior assistant, at \$125.08 per month, to take effect June 1, 1923.

Appointment under Rule XVIII—John McCarthy, chauffeur, at \$30.00 per week, to take effect June 4, 1923.

Resignations—Louis Altschuler, junior assistant, at \$125.08 per month, to take effect May 29, 1923; Paul H. Borenstein, junior assistant, at \$125.08 per month, to take effect May 31, 1923; John Crawford, junior assistant, at \$125.08 per month, to take effect June 2, 1923; Charles A. Hughes, junior assistant, at \$137.50 per month, to take

effect June 20, 1923; George Wagner, junior electrical engineer, at \$150.00 per month, to take effect June 15, 1923.

Leave of Absence with Pay—David Apter, draftsman, from May 1, 1923, to June 30, 1923.

766

Voucher Schedule No. 23

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 295-296, miscellaneous bills, \$2,104.17.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 132, Fox Reynolds Co., Inc.; approximate estimate No. 1, for the completion of newsstand enclosures at stations of the Municipal Rapid Transit Railroads, under Contracts Nos. 3 and 4, from March 29, 1923 to May 25, 1923 (R. T. 7419) \$1,474.65;

Voucher No. 133, Station Finish Corporation, Assignee; approximate estimate No. 10 for the construction of station finish on Sections Nos. 3, 4, and 5 of Route No. 8, from May 1, 1923 to May 31, 1923 (R. T. 7516) \$14,806.95;

Voucher No. 134, Rosenthal Engineering Contracting Company, Inc.; supplementary approximate estimate No. 4 for the construction of inspection shed enclosure at Livonia Avenue Yard, Route No. 31, from November 15, 1922 to May 25, 1923 (R. T. 7520) \$1,925.48;

Voucher No. 135, Michael Del Balso; approximate estimate No. 5 for the installation of tracks, including furnishing of part of the track materials and the construction of drainage system and concrete inspection pits, for a portion of the White Plains Road Line, Route No. 18, 239th St. Yard, from May 1, 1923 to May 31, 1923 (R. T. 7528) \$28,778.45;

Voucher No. 136, T. H. Reynolds Contracting Co., Inc.; approximate estimate No. 6 for installation of tracks in Sections Nos. 1 to 5, inclusive, Route No. 8, from May 1, 1923 to May 31, 1923 (R. T. 7536) \$15,649.47.

767

Upon motion, duly seconded and adopted, the meeting was adjourned to Wednesday, June 13, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, June 7, 1923

Present: John F. O'Ryan, Commissioner; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

768—R. T. 7522

Agreement "CM"—Receipt of Bids for Changes in Railroad Structure to Permit Raising of Grade of North Jane Street—Referred to Chief Engineer

Commissioner O'Ryan stated that the time within which to receive bids for changes in the railroad structure of the 60th Street Tunnel east of the Boulevard so as to allow the raising of the street grade on North Jane Street, Borough of Queens, had elapsed

at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the four bids received. The bids were then referred to the Chief Engineer.

 JAMES B. WALKER,
 Secretary.

Proceedings for Monday, June 11, 1923

 769

Hearing

The following hearing was held:

11:45 A. M.; Case 2687; Nassau Bus Line, Inc.; Application for Certificate of Convenience and Necessity for operation of bus line between Beach 20th Street and Coronado Beach, Borough of Queens. Commissioner O'Ryan presided. Hearing closed.

 JAMES B. WALKER,
 Secretary.

Proceedings for Wednesday, June 13, 1923.

Present: George McAneny, Chairman; John F. O'Ryan, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

770—R. T. 7522

Agreement "CM"—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest of Bidders for Changes in Structure so as to Permit Raising of Grade of North Jane Street—Adopted

The following resolution was adopted:

Resolved, That upon the report by the Chief Engineer as to the bids received on June 7, 1923, for the modification of the railroad structure of Route No. 61, east of the Boulevard, so as to allow the raising of the street grade of North Jane Street, Borough of Queens, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of one thousand (\$1,000) dollars each, deposited with their bids.

771—R. T. 7599, 7450

Rapid Transit Railroads—Certified Copy of Resolution of Board of Estimate and Apportionment Approving Certain Tentative Subway Routes—Copy of Reply Approved

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 1, 1923, was presented:

Resolved, That, pursuant to the recommendations of His Honor, the Mayor contained in a communication to this Board, dated May 8, 1923, with respect to the modification of several subway routes as embodied in "Mayor Hylan's Plan for New

City-owned and City-operated Rapid Transit Routes," dated September 6, 1922, the Board of Estimate and Apportionment does hereby approve the following tentative subway routes classified as Group I:

Group I.

- Route 1. (a) Construct two (2) track extension from 59th Street and 7th Avenue in northwesterly direction through Central Park to a point in Central Park West between 61st Street and 62d Street, thence four (4) tracks north on Central Park West to 110th Street, thence west on 110th Street to Manhattan Avenue, thence north on Manhattan Avenue to St. Nicholas Avenue at 124th Street, thence north on St. Nicholas Avenue to 162d Street, thence three (3) tracks north on St. Nicholas Avenue to 168th Street, thence on Broadway to Dyckman Street.
 (b) Construct a two (2) track spur at 61st Street and Central Park West to provide a connection with the proposed Group II line on Tenth Avenue from 103d Street to the Battery.
- Route 10. Construct two track subway from Hunterspoint Avenue station of the Queensboro line to Jackson Avenue, Borden Avenue, Front Street under Newtown Creek through private property to Manhattan Avenue. Four track subway from this point (2 track loop) through Manhattan Avenue to Roebing Street, to Taylor Street, to Bedford Avenue, to Lafayette Avenue. From this point two tracks continue on Bedford Avenue to Fulton Street, through Brevoort Place and Franklin Avenue (with transfer connection at Franklin Avenue and Eastern Parkway) to intersection of Franklin and Flatbush Avenues, connecting with No. 13; other two tracks run west from Bedford Avenue into four track Lafayette Avenue Subway (No. 11).
- Route 11. Construct four track subway from Washington Street and Myrtle Avenue running through Myrtle Avenue to and through Ft. Green Park and Ft. Green Place to Lafayette Avenue, to Bedford Avenue; continuing three tracks on Lafayette Avenue to Broadway. (Two of these four tracks from Bedford and Lafayette avenues to Myrtle Avenue and Washington Street are included in No. 10.) Two tracks from Myrtle Avenue and Washington Street to Tillary Street; under Brooklyn Bridge property to Fulton Street, tunnel to Dover Street, Manhattan; under Brooklyn Bridge property to Park Row, connecting with First Avenue (Manhattan) subway. Transfer connection at Washington and Concord Streets to Hicks Street subway and at Washington Street and Myrtle Avenue to Court Street and Borough Hall stations of "recaptured" subways; and at Myrtle Avenue and Flatbush Avenue extension to Myrtle Avenue station of "recaptured" subway.
- Route 12. Construct three track subway through Utica Avenue from Eastern Parkway subway to Flatlands Avenue (spur tracks from Eastern Parkway already laid).
- Route 14. Extend Nostrand Avenue subway from Nostrand and Flatbush Avenues through Flatbush Avenue to Jamaica Bay (Concourse station at Flatbush and Nostrand Avenues with No. 13).
- Route 16. Construct three (3) track subway from intersection of the Culver line at Fort Hamilton Parkway through Fort Hamilton Parkway and Prospect Avenue to Fourth Avenue, thence under the Gowanus Canal to Lorraine Street, to Hicks Street, to Atlantic Avenue, with tunnel to connect with 10th Avenue, Manhattan, subway at the Battery. Also loop through State, Clinton, Pineapple and Hicks Streets in Brooklyn.
- Route 3. Construct two (2) track Nassau-Broad Street subway from City Hall to Old Slip, connecting with tunnel to Montague Street, Brooklyn, as concluding part of Centre Street Loop, as provided in dual contracts.
- Route 22. Extend present Corona Line from Alburdis Avenue to Main Street, Flushing, crossing Flushing Creek by bridge into subway, the bridge also to accommodate vehicular and pedestrian traffic.
- Route 18. Extend Fourth Avenue subway from 86th Street to 96th Street (Brooklyn).

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Route 20. Construct two (2) track subway from Fourth Avenue at 67th Street to connect with tunnel now under construction to Staten Island.

A true copy of resolution adopted by the Board of Estimate and Apportionment June 1, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A copy of the following reply was approved:

June 12, 1923.

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK,
Municipal Building, New York City.

Sirs:

The Transit Commission is in receipt of your communication, dated June 5, 1923, transmitting for its consideration certified copy of a resolution adopted by your Honorable Board on June 1,

"approving certain tentative subway routes classified as Group 1 in communication dated September 6, 1922, as amended by communication dated May 8, 1923, from His Honor, the Mayor, with respect to 'Mayor Hylan's Plan for New City-owned and City-operated Rapid Transit Routes.'"

Your letter transmits also copies of the communications referred to, dated September 6, 1922, and May 8, 1923, in which the routes in question are definitely listed.

The routes embodied in your resolution of June 1 divide into two classes (1) those that have been legally and formally adopted through previous concurrent action of the Board of Estimate and the transit authorities; and (2) those that have not as yet been legally and formally adopted. Legal adoption, based upon the concurrent action of the Board of Estimate and validated by the acceptance of the proportion of abutting property owners fixed by statute, or in lieu thereof, the approval of the Appellate Division of the Supreme Court, must of course be accomplished before the actual construction of lines can proceed in any case.

The Routes filed in Subdivision (1) as aforesaid, are as follows, the route number indicated in the Resolution of your Board being used for convenience and clarity:

"Route 3. Construction two (2) track Nassau-Broad Street subway from City Hall to Old Slip, connecting with tunnel to Montague Street, Brooklyn, as concluding part of Center Street Loop, as provided in dual contracts."

This route, covering the Nassau Street Line, as described in Contract No. 4, was adopted some years ago. The line itself is the last of those the city contracted to build as part of the Dual Plan to be put under construction. A proposed contract for the construction of a portion of this line, Route No. 45, Section No. 2, is now pending before your Board upon a conditional award made by this Commission to the low bidder after public advertisement. The proposed contract for the remaining section, which will take less time to build, will be advertised during July of this year. No time will be lost by the Commission in pressing this entire work to conclusion.

"Route 22. Extend present Corona Line from Alburdis Avenue to Main Street, Flushing, crossing Flushing Creek by bridge into subway, the bridge also to accommodate vehicular and pedestrian traffic."

This route also was legally established some years ago and the contracts for the work have all been approved by your Board, with the exception of one which is now before the Corporation Counsel for approval as to form, have been executed and construction thereunder begun. The work of constructing the bridge over the Flushing River, a connecting link in the line, will by resolution of your Board adopted June 1, 1923, be carried out by the Department of Plant and Structures.

"Route 18. Extend Fourth Avenue subway from 86th Street to 96th Street (Brooklyn)."

This extension, which will carry the Fourth Avenue Subway to Fort Hamilton, was also validated some years ago. Your Honorable Board will recall that in the Commission's letter of May 15, 1923, it was stated with respect to the actual construction work of this extension as follows:

"Plans have been completed for the Bay Ridge extension from 86th to 95th Streets, in Brooklyn, and a contract for the entire length of this line let in December last. As your honorable board did not act upon this contract, the contractor withdrew his bid in March. If, however, it is your present desire that this extension go forward, the Commission is in a position to advertise without delay for new bids upon the present plans, and to start this work within the summer. The cost will be approximately \$1,850,000."

The remaining routes referred to in the Resolution of your Honorable Board fall either wholly or in part within Subdivision (2), where legal and formal validation through your action is still required.

It is assumed that all of the routes included in the "Group 1" of the resolution of your Honorable Board not as yet validated, are submitted to the Transit Commission in pursuance of the provisions of Section 4 of the Rapid Transit Act, which provides in part as follows:

"The public service commission of the first district upon its own motion may proceed, from time to time, to consider and determine whether it is for the interest of the public and of a city having over one million of inhabitants, according to the last preceding national or state census that a rapid transit railroad or railroads for the conveyance and transportation of persons and property should be established therein, and upon the request in writing of the local authorities of any such city at any time, the said commission shall proceed forthwith to consider and determine the same questions and in each case the said commission shall conduct such an inquest and investigation as may be deemed necessary in the premises."

The attention of your Honorable Board is respectfully called to the fact that the Commission has already made the statutory inquest and investigation and given consideration to and made a formal determination as to routes practically identical with Route No. 1 and Route No. 10, covered by your resolution, being the so-called "Brooklyn Crosstown Route" and the extension of the Broadway-Manhattan Subway north through Central Park West to Washington Heights, and that these routes so adopted by the Commission are now pending before your Board, having been submitted pursuant to the provisions of the said Rapid Transit Act. Each of these is covered by your resolution of approval of June 1 and the Commission assumes, therefore, that the formal approval necessary upon your part, will follow and that the work of preparing plans for construction upon both these lines may thereupon proceed.

As to the remaining routes the Commission will at a very early date take steps to comply with the provisions of the Rapid Transit Act above cited, and throughout such consideration will welcome the co-operation of the Conference Committee representing your Board, for the appointment of which provision was also made at your meeting of June 1.

Very Respectfully,
 TRANSIT COMMISSION,
 GEORGE McANENY,
 Chairman.

772—R. T. 7522

Agreement "CM"—Report by Chief Engineer as to Receipt of Bids for Changes in Railroad Structure so as to Permit Raising of Grade of North Jane Street and Recommendation for Award of Contract to Hamme & Jackson, Inc., at Bid Price of \$37,735—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

June 8, 1923.

TO TRANSIT COMMISSION.

Award of Contract for Agreement "CM", Route 61, to Hamme & Jackson, Inc., lowest bidder.

On June 7th, the following bids were received for work under Agreement "CM":
 Route 61, Modification of Railroad Structure east of Boulevard to Allow Raising of Street Grades, Borough of Queens:

Hamme & Jackson, Inc.....	\$37,735.00
Contractors' Service Corporation.....	43,695.00
D. C. Serber	52,000.00
M. A. Charles	52,685.00

Our estimate for this work amounted to \$38,125. This is the work for which the Board of Estimate, on May 18, 1923, appropriated \$40,000, the work to be "under the jurisdiction of the President, Borough of Queens; such work to be performed under the supervision of the Transit Commission and the fund to be expended by the Borough President upon vouchers to be prepared by said Transit Commission."

The bid of Hamme & Jackson, Inc., is very close to our estimate and the prices are reasonable under present conditions. The low bidder has successfully completed work for the Commission under Agreement "BQ", Route 61, Alteration of Emergency Exits and Stopping Leaks in Manhattan and Blackwell's Island Shafts. The amount of that contract was about \$19,800. That work was carried out successfully to our satisfaction.

Attached, I send you copies of minutes of a conference held in my office today which includes a financial statement by the Corporation.

Recommendation: I recommend that the contract for work under Agreement "CM", Route 61, Modification of Railroad Structure east of Boulevard to Allow Raising of Street Grades, Borough of Queens, be awarded to the low bidder, Hamme & Jackson, Inc., at its bid figure of \$37,735, and that a requisition be made on the Board of Estimate and Apportionment for an appropriation of this amount to be taken from the appropriation of the Board of Estimate of May 18, 1923, the work to be under the jurisdiction of the President of the Borough of Queens and performed under the supervision of the Transit Commission.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment by resolution adopted May 18, 1923, appropriated the sum of \$40,000, to be used for reconstructing the retaining wall on both sides of the Sixtieth Street Tunnel of the municipal rapid transit railroad at North Jane Street, Borough of Queens under the jurisdiction of the President of the Borough of Queens, "such work to be performed under the supervision of the Transit Commission and the fund to be expended by the Borough President upon vouchers to be prepared by said Transit Commission"; and

Whereas, This Commission has adopted a proposed contract for the performance of such work and subsequent to public advertisement duly held bids respectively totalling as follows were received therefor:

Hamme & Jackson, Inc.....	\$37,735.00
Contractors' Service Corporation	43,695.00
D. C. Serber	52,000.00
M. A. Charles	52,685.00

; and

Whereas, The Chief Engineer of this Commission has by communication, dated June 8, 1923, reported as therein more particularly set forth and recommended the additional award of said proposed contract to the said Hamme & Jackson, Inc.; and

Whereas, Counsel has prepared and submitted a proposed requisition upon the said Board of Estimate and Apportionment which if adopted will effect the said recommendation,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed contract be and the same hereby is awarded to said Hamme & Jackson, Inc., subject to its being consented to in form and substance as required by law and that said proposed contract, together with the proposed requisition so submitted upon said Board of Estimate and Apportionment be transmitted to said Board of Estimate.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

June 13, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board on May 18, 1923, adopted the following resolution:

“(Cal. No. 65)

Resolved, By the Board of Estimate and Apportionment, that, pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding forty thousand dollars (\$40,000), which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which to the amount of the par value thereof to be used for reconstructing the retaining wall on both sides of the 60th Street Tunnel of the Brooklyn Rapid Transit Railroad Company at North Jane street, Borough of Queens, under the jurisdiction of the President, Borough of Queens; such work to be performed under the supervision of the Transit Commission and the fund to be expended by the Borough President upon vouchers to be prepared by said Transit Commission.”

Pursuant thereto the Transit Commission has prepared a proposed contract for the performance of work indicated therein for which, subsequent to public advertisement duly held bids were received respectively totalling as follows:

Hamme & Jackson, Inc.....	\$37,735.00
Contractors' Service Corporation	43,695.00
D. C. Serber	52,000.00
M. A. Charles	52,685.00

The Chief Engineer of this Commission by communication, dated June 8, 1923, has reported that the amount of the low bid is reasonable and the low bidder is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said low bid and awarded said proposed contract to the said Hamme & Jackson, Inc., subject to its being approved and consented to in form and substance as required by law.

Your Honorable Board is therefore requested to consent to said proposed contract herewith transmitted and to set aside from the appropriation of \$40,000 made as aforesaid, the sum of Thirty-seven thousand, Seven hundred and Thirty-five (\$37,735) for the purposes of said contract herewith transmitted.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

773—R. T. 7658

Contract No. 1—Report by Chief Engineer Recommending Approval of Construction of New Stairway to Northbound Platform of 225th Street Station—Approval Resolution—Requisition upon Board of Estimate and Apportionment for \$2,750 as City's Share

A report was presented from the Chief Engineer dated April 27, 1923, recommending the approval of Drawing No. 22,497, showing an additional stairway to the northbound platform of the 225th Street station and recommending the preparation of an agreement with the Interborough Rapid Transit Company to perform the work as an Addition to Existing Railroads, at an estimated cost of \$5,500, and that a requisition be made upon the Board of Estimate and Apportionment for \$2,750, as the City's share.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission has by communication dated April 27, 1923, reported with respect to the necessity for constructing an additional

stairway to the northbound platform of the 225th Street Station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads as described in the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company as follows:

"This refers to the letter from Mr. Frank Hedley, President and General Manager of the Interborough Rapid Transit Company to the Commission and referred to this office for report, transmitting a print of Drawing No. 22,497 showing an additional stairway to the above station from the northbound platform to the street which is required on account of the large number of passengers leaving trains en route to the Velodrome at 225th Street.

Mr. Hedley states that he is willing to build the stairways as an addition under Contract No. 3 and requests that the Board of Estimate and Apportionment be requested to make the necessary appropriation. He estimates the cost of this stairway at \$5,500.00. The stairway is needed, for at present there is but one stairway from this platform to the street. We have checked the estimate and find it satisfactory. A print of the above drawing is herewith attached.

Recommendation: I respectfully recommend that the above drawing be approved and that a request be made on the Board of Estimate and Apportionment for \$2,750.00 one-half of the above sum for the construction of the above entrance as an addition under Contract No. 3 and that the attached print be referred to Counsel for the preparation of an agreement."

such work to be performed as an Addition to Existing Railroads as those terms are defined in said Contract No. 3, the City's share thereof to be \$2,750, being one-half of the estimated cost of said work; and

Whereas, Counsel has prepared and submitted a proposed agreement standard in form which has been approved by the Corporation Counsel and Interborough Rapid Transit Company designed to be applicable generally to the performance of work of constructing Additions to Construction by the Lessee pursuant to said Contract No. 3 which standard form of agreement has been made applicable to the performance of the work of constructing said additional stairway to said 225th Street Station, together with a proposed requisition upon the Board of Estimate and Apportionment for the consent of said Board to the making of said proposed agreement for the performance of the work so recommended by the Chief Engineer, and the appropriation of said estimated cost to the City,

Resolved, That said recommendation be and the same hereby is approved; that this Commission pursuant to the provisions of Article LXX and LXXI of Chapter IV of Part Third of said Contract No. 3, hereby approves of the construction by the Lessee of such additional stairway to the said 225th Street Station as an Addition to Existing Railroads and as to which this Commission assigns Work Order No. ICCA-4 and that said proposed agreement, together with the proposed requisition so submitted, be transmitted to the Board of Estimate and Apportionment for the consent of said Board to the making of said proposed agreement and the appropriation of one-half of the estimated cost of such work be and the same hereby are approved and that they be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

June 13, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Chief Engineer of this Commission by communication dated April 27, 1923, has reported with respect to the necessity for the construction of an additional stairway to the northbound platform of the 225th Street Station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads as described in the contract dated March 19, 1913, known as Contract No. 3, as follows:

"This refers to the letter from Mr. Frank Hedley, President and General Manager of the Interborough Rapid Transit Company to the Commission and referred to this office for report, transmitting a print of Drawing No. 22,497, showing an additional stairway to the above station from the northbound plat-

form to the street which is required on account of the large number of passengers leaving trains en route to the Velodrome at 225th Street.

Mr. Hedley states that he is willing to build the stairway as an addition under Contract No. 3, and requests that the Board of Estimate and Apportionment be requested to make the necessary appropriation. He estimates the cost of this stairway at \$5,500.00. The stairway is needed for at present there is but one stairway from this platform to the street. We have checked the estimate and find it satisfactory. A print of the above drawing is herewith attached.

Recommendation: I respectfully recommend that the above drawing be approved and that a request be made on the Board of Estimate and Apportionment for \$2,750.00, one-half of the above sum for the construction of the above entrance as an addition under Contract No. 3, and that the attached print be referred to Counsel for the preparation of an agreement."

Article LXX of Chapter IV of Part Third of said Contract No. 3 provides with respect to the making of Additions as follows:

"Such construction or provision of Additions and such changes shall be made to the satisfaction of the Commission and, when necessary, under such forms of contracts, plans, specifications and directions as it may issue or approve. If the direction shall have reference to the Equipment or to operation the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to Construction the cost of complying therewith shall be shared equally by the City and by the Lessee (except in the case of Additions to the Extensions in which event the cost shall be borne wholly by the City) and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the Commission or directly by the Lessee as the Commission may elect. If the Lessee shall neglect or refuse to comply with such directions the Commission in addition to other remedies may cause such changes or Additions to be made at the expense of the Lessee."

The Transit Commission has approved the recommendation of its Chief Engineer aforesaid and the performance of such work by the Lessee under the foregoing provisions of said Contract No. 3, necessary to construct an additional stairway to the said 225th Street Station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroad as an Addition to Existing Railroads will necessitate the appropriation of the sum of Two Thousand Seven Hundred and Fifty (\$2,750) Dollars in order to pay the City's share of one-half the estimated cost of such work.

Requisition is accordingly made upon your Honorable Board for the appropriation of the sum of Two Thousand Seven Hundred and Fifty (\$2,750) Dollars for the purposes aforesaid, said requisition to be a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out said Contract No. 3, and the appropriations made by your Honorable Board in pursuance thereof.

BY THE COMMISSION,
GEORGE McANENY,
Chairman.

774—R. T. 7011

Contract No. 4—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Requisition for Appropriation of \$5,000 for Maintenance—Approval Resolution—Requisition upon Board of Estimate and Apportionment

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 11, 1923, recommending that a requisition be made upon the Board of Estimate and Apportionment for an appropriation of \$5,000 for Maintenance Prior to Operation of Contract No. 4 Lines.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment has established a fund for the purpose of defraying expenses in connection with the Maintenance Prior to Operation of the Railroad described in the contract dated March 19, 1913, between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated June 11, 1923, reported with respect to the present and future necessities in connection with the Maintenance Prior to Operation of the Railroad under said Contract No. 4, and recommended the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of an additional sum of \$5,000 under and for the purposes of said fund so established,

Resolved, That the said report and recommendation be and the same hereby is approved and that the requisition in the form now submitted by Counsel, which will effect such recommendation, be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows :

June 13, 1923

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen :

Your Honorable Board has established a fund known as Code CCM-406, Maintenance Prior to Operation under the contract dated March 19, 1913, known as Contract No. 4.

The Chief Engineer of this Commission has reported, under date of June 11, 1923, with respect to the said fund as follows :

“On February 7, 1923, I recommended that requisition be made on the Board of Estimate and Apportionment for the sum of \$6,500 as an additional appropriation for the Maintenance of Contract No. 4 lines prior to Operation. It was expected that the sum named would be sufficient for the purpose for at least six months. From figures which will be given below, it appears that the available balance is likely to be exhausted in about that period, namely the end of August, and, although the Board of Estimate and Apportionment appropriated \$6,500 as requested, it is considered necessary that further funds be secured for the work without delay.

According to figures furnished to this office, the status of the Maintenance Fund was as follows :

Date.	Available Balance.
March 22, 1923.....	\$5,893.86
April 25, 1923.....	4,161.00
June 5, 1923.....	3,063.57

It will be noted from these figures that the expenditures are at the rate of at least \$1,000 per month. If this rate be continued, the balance on hand will be exhausted before the end of the summer vacation period of the Board of Estimate and Apportionment.

As I have already stated in previous reports on this subject, there are now ten temporary pumps installed in the 14th St.-Eastern Subway, two each at five locations. Several City contractors are now at work in the subway and it is necessary that the subway be kept drained at all times in order to avoid interruption of their work. This situation is particularly serious with regard to the track work, which work has about reached the stage of laying concrete, inasmuch as the failure even for a short time to remove the leakage as fast as it enters the subway, would seriously affect the quality of the concrete. In addition to the pumping work, maintenance of other kinds must be and is being done. Inasmuch as the responsibility of the City for maintenance of the 14th St.-Eastern Subway will continue at least into the year 1924, it is considered that at least \$5,000 will be required in addition to the balance now on hand to complete the work.

Recommendation: Accordingly, I recommend from the engineering standpoint that requisition be made on the Board of Estimate and Apportionment for the sum of \$5,000, in addition to previous appropriation, for the Maintenance of Contract No. 4 lines prior to Operation.”

The Transit Commission has approved said report and requisition is accordingly made upon your Honorable Board for the additional appropriation of five thousand dollars for Maintenance Prior to Operation of the Railroad described in said Contract No. 4

between the time of the completion thereof and the beginning of operation, to be defrayed from the proceeds of corporate stock chargeable to said Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

775—R. T. 7575

Centre Street Loop—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Additional Entrances at Canal Street Station—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption, the proposed Invitation to Contractors, Information for Contractors and forms of contract, bond and contractors' proposal, together with the specifications and contract drawings for the construction of additional entrances at the Canal Street Station (Loop Line) of the Broadway-Fourth Avenue Rapid Transit Railroad.

Resolved, That said Invitation to Contractors, Information for Contractors and forms of contract, bond and contractors' proposal, together with the specifications and contract drawings for the construction of additional entrances at the Canal Street Station (Loop Line) of the Broadway-Fourth Avenue Rapid Transit Railroad be and are hereby approved and adopted, and that said Invitation to Contractors be published in THE CITY RECORD every day of publication continuously, from and including June 15, 1923, to and including June 29, 1923, and on June 18, 1923, and June 25, 1923, in THE NEW YORK TRIBUNE and THE EVENING MAIL, daily newspapers published in The City of New York, and that such bids as shall be received shall on the 29th day of June, 1923, at eleven-thirty (11.30) o'clock A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission at the office of the Transit Commission, and read.

776—R. T. 7652

Route No. 45, Section No. 2—Application by Patrick McGovern, Inc., Lowest Bidder, for Permission to Substitute Surety Bond in Place of Certified Check in the Sum of \$75,000 Deposited with Bid for Construction of Portion of Nassau Street Line—Approval Resolution

An application was presented from Patrick McGovern, Inc., dated June 4, 1923, requesting permission to substitute a surety bond in place of the certified check in the sum of \$75,000 deposited with its bid on May 22, 1923, for the construction of Section No. 2 of Route No. 45.

The following resolution was adopted:

Whereas, By resolution adopted May 23, 1923, this Commission subsequent to public advertisement, awarded, subject to the conditions as in said resolution more particularly set forth, the proposed contract for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Section No. 2, Broad and Nassau Streets (under Contract No. 4) to Patrick McGovern, Inc., and thereafter transmitted said proposed contract to the Board of Estimate and Apportionment of the City of New York for the consent of said Board and the appropriation of the money estimated to be necessary to meet the obligations of the City under said proposed contract; and

Whereas, In accordance with the contractor's proposal said Patrick McGovern, Inc., at the time of depositing its bid for said proposed contract, deposited a certified check in the sum of \$75,000; and

Whereas, By communication, dated June 4, 1923, said Patrick McGovern, Inc., has requested permission to substitute a surety bond for said certified check deposited as aforesaid,

Resolved, That said request be and the same hereby is approved; that the Secretary of this Commission be and hereby is authorized and directed to return said certified check in the sum of \$75,000 to said Patrick McGovern, Inc., and to take proper receipt therefor, provided, however, and as a condition precedent thereto, the said Patrick

McGovern, Inc., shall deposit with the Secretary of this Commission in triplicate a bond in the sum of \$75,000, with itself as principal, and with two or more sureties conditioned upon the performance by said Patrick McGovern, Inc., of all the terms and conditions of its said proposal in form approved by Counsel to this Commission.

777—R. T. 7607

Routes Nos. 4 & 38, Section No. 5—Certificate by Chief Engineer of Completion of Changes in Structure at Northeast Corner of 25th Street and Seventh Avenue, Borough of Manhattan—Resolution Accepting Work and Directing That Certificate Be Transmitted to President of Borough of Manhattan and to Comptroller of City of New York

The following certificate was approved:

June 7, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion—Changes to Subway Structure at 25th Street and 7th Avenue, Borough of Manhattan.

In connection with the agreement dated October 11, 1922, between the City of New York, acting by the Transit Commission, and Interborough Rapid Transit Company for changing the structure of the Seventh Avenue Rapid Transit Railroad, made necessary in connection with roadway changes at the northeast corner of 25th Street and 7th Avenue, Borough of Manhattan, under the jurisdiction of the President, Borough of Manhattan, I hereby certify that the work was completed on January 31, 1923. The cost of the work was \$3,017.99.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission has, by communication dated June 7, 1923, reported and certified that the work required under the agreement dated October 11, 1922, between The City of New York, acting by the Transit Commission, and Interborough Rapid Transit Company, for changing the structure of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Municipal Rapid Transit Railroad, incidental to and made necessary by the changes in the roadway at the northeast corner of 25th Street and Seventh Avenue, in the Borough of Manhattan, City of New York, was, in all respects, completed on January 31, 1923; that the total cost of such work was \$3,017.99 and recommends that the work so performed be accepted and that a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of the City of New York,

Resolved, That said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the President of the Borough of Manhattan and to the Comptroller of the City of New York.

778—R. T. 7505

Order No. 21—Report by Chief Engineer Recommending Extension of Time for Delivery of Portions of Special Work—Approval Resolution

A report was presented from the Chief Engineer, dated June 8, 1923, recommending that an extension of time be granted to the Ramapo Iron Works for the delivery of various portions of Special Work Order No. 21.

The following resolution was adopted:

Whereas, The contract dated June 27, 1922, between The City of New York acting by the Transit Commission and Ramapo Iron Works for the supply of Special Work for use in parts of the Fourteenth Street-Eastern and Broadway-Fourth Avenue Rapid Transit Railroads, Special Work Order No. 21, provides in Article L thereof for the periods of time for delivery of the various portions as therein more particularly indicated; and

Whereas, The Chief Engineer of this Commission by communication dated June 8, 1923, reports as to the contract date and actual date of delivery of said various portions under said contract as follows:

	Latest Contract Date.	Actual Delivery.
Portion 115.....	September 5, 1922	September 25, 1922
Portion 409.....	October 5, 1922	December 9, 1922
Portion 424.....	October 5, 1922	December 9, 1922
Portion 406.....	February 5, 1923	May 26, 1923
Portion 407.....	February 5, 1923	May 26, 1923

that the other portions required to be delivered under said contract were delivered in contract time and recommends for the reasons in said report set forth that the time for the delivery of the portions herein referred to in the schedule set forth be extended to date of the actual delivery of said portions.

Resolved, That said report and recommendation be and the same hereby are approved; that the time of the delivery of the portions set forth in the foregoing schedule be and the same hereby is extended to the date indicated as the date of "actual delivery" in said schedule.

779—R. T. 7635

Agreement "CE"—Proposed Assignment by Benedetto & Saussez to The Royal Company of Moneys Due Under Contract for Changes in Subway Structure so as to Permit Widening of Certain Streets in Borough of Manhattan—Approval Resolution

The following resolution was adopted:

Whereas, On or about the 14th day of March, 1923, The City of New York, acting by the Transit Commission, entered into a contract with Benedetto & Saussez, for making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad Structure at various locations to permit widening of streets, Borough of Manhattan; and

Whereas, Said Benedetto & Saussez have submitted to the Transit Commission a proposed assignment, dated June 13, 1923, assigning all the moneys due and to grow due under or on account of said contract to The Royal Company of New York, in the City of New York, and in accordance with the provisions of said contract and the requirements of law have requested this Commission to consent to said proposed assignment;

Resolved, That said assignment aforesaid now submitted to the Transit Commission be and the same hereby is approved subject to the terms and conditions in said contract contained and upon the conditions following:

First, That said assignment hereby approved and the consent of the Transit Commission herein given shall in no way defeat or impair such rights and remedies as subcontractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second, That said assignment hereby approved and the consent of the Transit Commission herein given shall in no respect affect the rights of The City of New York or of the Transit Commission or of any Board, Officer, agent or employee acting for or on behalf of The City of New York or the Transit Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property), such rights as well as all other rights of The City of New York and the Transit Commission to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third, The consent of the Transit Commission to said assignment herein given shall take effect if, when and only when the sureties upon the bond deposited as security for the faithful performance on the part of the contractor of its obligations under said

contract shall consent in writing to said assignment and the conditions of this resolution in form to be approved by Counsel to the Commission and further until the assignee under said assignment, The Royal Company of New York, shall consent and accept the terms and conditions of this resolution, in form to be approved by Counsel to this Commission.

780—R. T. 7368

Contract No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Establishment of Supplementary Schedule Item for Concrete Wall Under Contract for Construction of Second Addition to Shops at Lenox Avenue and 148th Street Yard—Approval Resolution

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 8, 1923, was ordered filed:

(Cal. No. 74)

Resolved. That, pursuant to the request of the Transit Commission to this Board, dated May 8, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921, is unconstitutional and void, does hereby consent and agree to the establishment of a supplementary unit price under Item 150 of the contract, dated August 3, 1922, with Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops at the Lenox Avenue and 148th Street Yard, under Contract No. 3, as follows:

Schedule Item 6AA For 12-inch concrete wall in place with a neat smooth finished surface at \$23 per cubic yard.

—as more particularly set forth in said request of the Transit Commission to this Board, dated May 8, 1923, and the cost of which exceeds the limitations fixed by Item 150 of the contract, namely, five thousand dollars (\$5,000), and therefore requires the consent of the Board of Estimate and Apportionment to the substitution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 8, 1923.

JAMES MATTHEWS,
Assistant Secretary.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated August 3, 1922, between the City of New York acting by the Transit Commission and Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops at the Lenox Avenue Yard, under Contract No. 3, having, subject to the approval of the Commission, agreed with the said Contractor on the following supplementary schedule item:

Item No. 6AA—For 12" concrete wall in place with a neat smooth finished surface at \$23.00 per cubic yard.

Resolved. That such action on the part of the Chief Engineer be and hereby is approved.

781—R. T. 7589

Contract No. 3—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Removing and Disposing of Rock Excavation under Contract for Column Foundations for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Approval Resolution

A report was presented from the Chief Engineer, dated June 5, 1923, recommending the establishment of a supplementary schedule item, as described below.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item 150 of the contract dated December 26, 1922, between the City of New York, acting by the Transit Commission, and the Rosenthal Engineering Contracting Company, Inc., for the Construction of Foundations, Third Addition to Shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, having, subject to the approval of the Commission, agreed with the said Contractor on the following supplementary schedule item:

Item No. 3-G—For removing and disposing of rock excavation, the unit price of \$8.00 per cubic yard.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

782—R. T. 6561

Route No. 18—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Furnishing Checkered Plate Cover for Ejector Pit under Contract for Installation of Tracks at 239th Street Yard—Approval Resolution

A report was presented from the Chief Engineer dated June 5, 1923, recommending the establishment of a supplementary schedule item as described below.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item No. 3000 of the contract dated November 24, 1922, between the City of New York, acting by the Commission, and Michael Del Balso, for the installation of tracks for the 239th Street Yard, Route No. 18, having, subject to the approval of the Commission, agreed with said contractor upon the following schedule item:

Item No. 2-X—For furnishing, delivering and installing checkered plate cover for ejector pit complete in accordance with Drawing No. S-1968, except for supporting angle and anchor bolts, which are classifiable under Schedule Item 21, for the sum of \$385.00.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

783—R. T. 6820

Fourth Avenue Subway—Letter from Counsel Submitting Proposed Agreement for Approach to DeKalb Avenue Station Through Premises at No. 571 Fulton Street—Approval Resolution

A letter was presented from Counsel dated June 8, 1923, submitting a proposed agreement with The Fain Knitting Mills for an approach to the westerly platform of the DeKalb Avenue Station through the premises at No. 571 Fulton Street, Borough of Brooklyn.

The following resolution was adopted:

Whereas, Counsel, with his letter dated June 8, 1923, has submitted to this Commission a proposed form of agreement between The City of New York, acting by the Transit Commission, New York Consolidated Railroad Company and The Fain Knitting Mills, for the construction, maintenance and operation of an additional entrance to the DeKalb Avenue Station with an Approach through the premises from No. 571 Fulton Street to the westerly platform of the DeKalb Avenue Station of the Broadway-Fourth Avenue Line, a rapid transit railroad in the Borough of Brooklyn, and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

784—R. T. 6698

Route No. 39, Section No. 2—Report by Real Estate Clerk Recommending Removal of Building at No. 1826 85th Street and No. 1845 86th Street, Borough of Brooklyn—Resolution Approving Notices to Tenants to Vacate Buildings and Directing Bids Be Advertised for Sale of Buildings at Public Auction

A report was presented from the Real Estate Clerk dated June 11, 1923, recommending the wrecking or removal of the buildings at No. 1826 85th Street and No. 1845

86th Street, Borough of Brooklyn, to make way for the construction of the extension of New Utrecht Avenue between 81st and 86th Streets and recommending that the Commission confirm notices sent to tenants on June 6, 1923, to vacate the buildings and that the buildings be advertised to be sold at public auction on June 25, 1923.

The following resolution was adopted:

Whereas, The City of New York acquired on or about the year 1914 the premises known as 1826 85th St. and 1845 86th St., in the Borough of Brooklyn, for the purpose of the construction of the New Utrecht Avenue Elevated Line (Route 39, Section 2) and on such premises were several frame dwellings which have until this date been used as sub-offices for transit work or rented on a temporary basis; and

Whereas, The City of New York has laid out and is constructing an extension of New Utrecht Avenue between 81st and 86th Streets, following generally the line of the rapid transit elevated railroad (Route 39, Section 2) and the said dwellings are partly within the lines of the proposed street extension; and

Whereas, The Real Estate Clerk, under date of June 11, 1923, has reported that the Secretary, under date of June 6, 1923, has notified the temporary tenants in the said dwellings to remove therefrom by the end of the month of June, 1923, and that it is advisable to sell the buildings for wrecking or removal, submitting a statement by the Auditor, dated June 7, 1923, as to the financial results of holding the buildings from the year 1914 until that date, and a form of advertisement in THE CITY RECORD giving public notice of the sale of said dwellings at public auction on June 25, 1923, at 11:00 A. M., in the Real Estate Bureau of the Commission, recommending that the Commission confirm the notices to the temporary tenants, as aforesaid, and that it authorize the sale of the buildings in accordance with the terms of the aforesaid form of advertisement in THE CITY RECORD, in which recommendations Counsel has concurred;

Resolved, That the Commission do, and it hereby does, confirm the aforesaid notices to the temporary tenants to vacate the said dwellings and that the sale of the said dwellings at public auction in accordance with the terms contained in the form of advertisement to be inserted in THE CITY RECORD be and hereby is, approved, that the Secretary be, and he hereby is, directed to cause the insertion of the aforesaid advertisement in THE CITY RECORD for the period beginning June 15, 1923, and ending with the date of the sale, and that the Real Estate Clerk be, and he hereby is, directed to report to the Commission upon the results of the proposed sale immediately after it has been held for further action by the Commission.

785—R. T. 6080

Fourth Avenue Subway—Application by Budoff Brothers for Approval of Substitution of Barnett Budoff as Tenant for Concession Held Under Trade Name of Orpheum Auto Park for Premises on Southerly Side of Fulton Street between Rockwell Place and Ashland Place, Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Budoff Brothers dated June 8, 1923, requesting approval of the substitution of Barnett Budoff for Budoff Brothers and Carlos Garcia as tenants under the trade name of Orpheum Auto Park for the concession on the southerly side of Fulton Street between Rockwell Place and Ashland Place, Borough of Brooklyn.

A report was presented from the Real Estate Clerk dated June 9, 1923, stating that the partnership has been dissolved as a result of the death of one of the partners and recommending that the application be approved for the substitution of the tenant.

The following resolution was adopted:

Whereas, By communication dated June 8, 1923, Barnett Budoff and Charles Budoff advised the Commission that Carlos Garcia, a partner in the partnership of Budoff Brothers & Carlos Garcia, conducting an auto park on property on the southerly side of Fulton Street between Rockwell place and Ashland place, in the Borough of Brooklyn,

under the trade name of Orpheum Auto Park, has died, and jointly request as the surviving partners that the concession held by them be continued in the name of one of the surviving partners, Barnett Budoff; and

Whereas, The aforesaid Barnett Budoff, under date of June 8, 1923, has made application in accordance with the foregoing for permission to take over the concession and assume all the obligations of the former partnership to the Commission as of July 1, 1923; and

Whereas, The Real Estate Clerk, under date of June 9, 1923, has reported that the aforesaid partnership was of a character to be dissolved on the death of one of the partners and that the surviving partners have agreed upon Barnett Budoff to conduct the business on the concession, recommending that the Commission terminate the concession of the partnership and approve the aforesaid application of Barnett Budoff, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, terminate the concession of Budoff Brothers & Carlos Garcia, a partnership doing business as Orpheum Auto Park above referred to, to take effect as of the end of June, 1923, and that the Commission do, and it hereby does, approve the aforesaid application of Barnett Budoff, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on the aforesaid application.

786—R. T. 6960, 7235, 7354

Contract No. 3 and Elevated Extension Certificate—Proposed Stipulation with Interborough Rapid Transit Company Extending Time to October 1, 1923, within Which to Agree upon Successor to Hon. Luke D. Stapleton as Third Arbitrator in Proceedings with Respect to Operating Expenses and Classification and Amount of Depreciation—Approved

The Commission approved the proposed stipulation with the Interborough Rapid Transit Company extending to October 1, 1923, the time of the Commission and the Interborough Rapid Transit Company within which to agree upon a successor to the late Hon. Luke D. Stapleton as the third arbitrator in the two pending arbitrations, the first having to do with objections dated November 24, 1920, and January 28, 1921, of the former Transit Construction Commissioner with respect to certain operating expenses, and the second having to do with the classification and amount of depreciation and excess maintenance deductible under Contract No. 3 and the Extension Certificate to June 30, 1920.

787—R. T. 6407

Route No. 52—Proposed Stipulation with Interborough Rapid Transit Company Extending Time to and Including July 14, 1923, within Which Company Shall Advise of Acquiescence in Flushing Extension as Addition to Contract No. 3—Approval Resolution

The following resolution was adopted:

Resolved, That the following stipulation

"It is hereby stipulated and agreed by and between the undersigned that the time within which the Interborough Rapid Transit Company, as Lessee under the provisions of the contract dated March 19, 1913, between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3, shall inform the Transit Commission, in accordance with the provisions of Article LXXII of said Contract No. 3, whether it acquiesces in the addition of the so-called Flushing Extension, pursuant to the notice of the Transit Commission dated May 13th, 1923, be and the same hereby is extended to and including July 14th, 1923, provided, however, that this stipulation shall not take effect unless and until it shall be consented to in writing in the form hereto annexed by the sureties upon

the continuing bond of Interborough Rapid Transit Company, filed in accordance with the provisions of said Contract No. 3.

TRANSIT COMMISSON,

By

Chairman

INTERBOROUGH RAPID TRANSIT COMPANY

By

President & General Manager"

be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute and deliver said stipulation.

788—R. T. 6761

Contract No. 3—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Modification of Specifications for Construction of Foundations for Substation No. 27 so as to Substitute Concrete Masonry for Brick—Approval Resolution

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated June 12, 1923, recommending that the resolution adopted on March 6, 1923, approving the specifications and contract for the construction of foundations for Substation No. 27 of the Interborough Rapid Transit Company be modified so as to permit the substitution of concrete masonry for brick.

The following resolution was adopted:

Whereas, By resolution, adopted March 6, 1923, pursuant to the provisions of the Contract, dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and the Interborough Rapid Transit Company known as Contract No. 3, this Commission approved a proposed Contract, Contractor's Bond, Contractor's Proposal and Specifications, together with blueprints of the drawings referred to in the Specifications for the construction of foundations of superstructure (exclusive of structural metal work) of Substation No. 27 for the Railroad as described in said Contract No. 3, to be located at Roosevelt Avenue between 32d Street and 33d Street in Elmhurst, Borough of Queens, City of New York, the award by Interborough Rapid Transit Company of said Contract to James A. Henderson, for the performance of the work under said proposed Contract and Specifications being authorized by resolution of this Commission adopted March 20, 1923; and

Whereas, By communication, dated June 12, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the plans and specifications of the proposed Contract so approved provided for the foundations to be constructed of common brick of good quality; that at the present time such brick on account of abnormal demand is exceedingly difficult to procure; that the Chief Engineer of the Interborough Rapid Transit Company has requested the approval of this Commission to a substitution of concrete for common brick wherever possible in order to expedite the completion of such substation which is urgently needed; that from an engineering standpoint it is considered acceptable to use concrete masonry instead of brick masonry for the foundations of said substation up to the sidewalk level; that the cost of the concrete should be less than the brick work and recommend the approval of the application of said Interborough Rapid Transit Company to change the drawings and specifications of said proposed Contract so approved so as to permit of the substitution of concrete masonry instead of brick masonry in the foundations for said substation below the sidewalk level subject to a price adjustment to be approved by the Chief Engineer of this Commission;

Resolved, That said report and recommendation be and the same hereby are approved; that the said application of Interborough Rapid Transit Company to so change the plans and specifications for said proposed Contract for the said substation so as to substitute concrete masonry for brick masonry all and as recommended by the said Engineer of the Commission be and the same hereby is approved and that

the Chief Engineer of this Commission be and hereby is authorized to take such steps as are necessary to effect this approval.

789—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase and Installation of Twenty-four Current Relays in 59th Street and 74th Street Power Houses—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order Numbers—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated January 8, 1923, requesting approval to the purchase and installation of twenty-four current relays in the 59th Street and 74th Street power houses, at a cost of \$3,900.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated January 27, 1923, stating that the cost is reasonable and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and Chief of the Bureau of Accounting and Valuations, dated June 9, 1923, classifying the work and assigning Work Order Nos. IBR-2, IBA-7, ILR-1 and ILA-1.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract, dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, said Interborough Rapid Transit Company by communication, dated January 8, 1923, has requested the approval of this Commission to the purchase and installation of twenty-four current relays in the 59th Street and 74th Street power houses at an estimated cost of \$3,900; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication, dated January 27, 1923, reported that said relays are of a type known as Type "CD"; that they are to be installed on the five tie line cables between the two power houses; that their function is to isolate promptly a defective cable and thus prevent the disturbance from interfering with service over the remaining cables; that their importance is such as to justify the best protective devices available; that the type proposed to be used is satisfactory; that the estimated cost is reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication, dated June 9, 1923, reported with respect to the proper classification of said work, all as more particularly hereinafter set forth,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company be and the same hereby is approved upon the following conditions:

1. That the Interborough Company account for the salvage, including the cost of removing all facilities removed, the net final sum to be withdrawn from or paid into (as the case may be) the appropriate depreciation funds; and that the original costs of the facilities retired be held available for replacements, in the appropriate depreciation funds.
2. That the cost of providing and installing the relays for the 59th Street Power House, to the amount of the original cost of the facilities retired by the work hereby approved in the 59th Street Power House, shall be paid for out of that portion of the moneys of the "Depreciation Fund for the Railroad and Equipment" which will be made available by retirements from service due to the work hereby approved and as to which work this Commission assigns Work Order No. IBR-2, such work to be classified as a replacement.

3. That the cost of providing and installing the relays hereby approved for the 59th Street Power House in excess of the original cost of the facilities retired by the work hereby approved in the 59th Street Power House shall be classified as Additional Equipment under Work Order No. IBA-7, heretofore assigned by this Commission.

4. That the cost of providing and installing the relays hereby approved for the 74th Street Power House, to the amount of the original cost of the facilities retired by the work hereby approved in the 74th Street Power House shall be paid for out of that portion of the moneys of the Depreciation Funds under the Elevated Extensions Certificate which will be made available by retirements from service due to the work hereby approved and as to which this Commission assigns Work Order No. ILR-1, such work to be classified as a replacement.

5. That the cost of providing and installing the relays hereby approved for the 74th Street Power House in excess of the original cost of the facilities retired by the work hereby approved in the 74th Street Power House shall be classified as an Addition to the Manhattan power plant, subject to the stipulation dated March 9, 1923, between said Interborough Rapid Transit Company and this Commission and as to which work this Commission assigns Work Order No. ILA-1.

790—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Transformer for Use in Connection with New Boilers at 59th Street Power House—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated May 14, 1923, requesting approval of a proposed purchasing agent's order directed to the General Electric Company for furnishing one 1,000 KVA indoor type transformer for use in connection with the auxiliary power for the two new boilers to be installed at the 59th Street power house, at a cost of \$5,680.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 8, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment to be performed under Work Order No. IBA-7.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company known as Contract No. 3, said Interborough Rapid Transit Company by communication dated May 14, 1923, has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated May 14, 1923, directed to General Electric Company for the following:

One (1) 1,000 KVA 25 cycle, type ABT, 11440-440 volt Indoor Transformer in accordance with our Specification 86, Issue No. 2
 Price \$5,680 00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 481"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated June 8, 1923, reported that the following bids were received for such material:

General Electric Co. (F. O. B. Pittsfield, Mass.)..... \$5,680 00
 Westinghouse Electric & Manufacturing Co. (F. O. B. East Pitts-
 burgh, Pa.) 5,800 00

That said transformer is to be used for supplying power to induction motors driving blowers in connection with auxiliary power for the two new B. & W. boilers recently ordered; that the proposed transformer is of satisfactory design and the amount to be paid for is reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, By endorsement dated June 11, 1923, the Auditor of Rapid Transit Costs has recommended that said material be classified as Additional Equipment for the Railroad as defined in said contract and that Work Order No. IBA-7 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved, said transformer to be classified as Additional Equipment for the Railroad and as to which this Commission assigns Work Order No. IBA-7 and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

791—R. T. 7005

Contract No. 4—Resolution Modifying Resolution of May 15, 1923, Approving Arrangements by New York Municipal Railway Corporation for Furnishing Additional Power Facilities—Adopted

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, and pursuant also to the provisions of the certificate dated March 19, 1913, granted by The City of New York for certain elevated extensions known as the Extension Certificate, this Commission pursuant to a resolution adopted May 15, 1923, approved of certain plans showing Additions to substation and feeder equipment upon condition, among other things, that

"4. The construction of an addition to the Kings Highway Substation building. The installation of 2,000 K. W. rotary converter and accessories in this substation, together with a duct line and other equipment necessary for the supply of power from the said substation to the Brighton Beach Line and the installation of an additional high tension cable, which work is classified as Additions to Existing Railroads and as to which unit this Commission assigns Work Order No. MCA-25, it being understood that the cost of the extension to the substation building for housing said equipment shall not be included in the cost of the work hereby approved."

"It is further understood that the foregoing approvals are upon the condition that the cost of taking down, transporting, reinstalling and reconstructing units and structures operated by the Brooklyn Rapid Transit Company, if any, shall be carried in the Brooklyn Rapid Transit Company's accounts under the so-called Power Agreement."

"It is further understood that the foregoing approvals shall be without prejudice to the Commission's contention that the ten-year period of suspension of the obligation of New York Municipal Railway Corporation to install Equipment, including power facilities for the Railroad under said Contract No. 4, will expire on August 4, 1923, and that therefore the so-called Power Agreement will not have application thereafter."

; and

Whereas, The Receiver of New York Municipal Railway Corporation has made objection to the wording of the paragraphs in said resolution of May 15, 1923, hereinbefore set forth and conferences have been held with respect to proposed changes in said paragraphs of said resolution and an agreement has been reached as to the modification of said paragraphs,

Resolved, That the foregoing paragraphs herein set forth of the resolution of May 15, 1923, be modified so as to respectively read as follows:

4. The construction of an addition to the Kings Highway Substation building. The installation of 2,000 K. W. rotary converter and accessories in this substation, together with a duct line and other equipment necessary for the supply of power from the said substation to the Brighton Beach Line and the installation

of an additional high tension cable, which work is classified as Additions to Existing Railroads and as to which unit this Commission assigns Work Order No. MCA-25, it being understood that any extension to said substation is an additional electrical facility under the provisions of the so-called Power Agreement and that title to said extension shall remain in New York Municipal Railway Corporation as part of the Existing Railroads.

It is further understood that the foregoing approvals are upon the condition that the cost of taking down, transporting, reinstalling and reconstructing units and structures removed from substations operated by the Brooklyn Rapid Transit Company, if any, shall be carried in the Brooklyn Rapid Transit Company's accounts under the so-called Power Agreement. It is further understood that the foregoing approvals shall be without prejudice to any rights of the City of New York with respect to the suspension of the provision of power facilities under Contract No. 4.

792—R. T. 6668

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Proposed Purchasing Agent's Order for Furnishing Transformers and High Tension Panels—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated May 24, 1923, requesting approval of a proposed purchasing agent's order directed to the Westinghouse Electric & Mfg. Co. for furnishing 18 transformers and 18 high tension panels for the 14th Street-Eastern Line, at a cost of \$18,161.85.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 6, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation by communication dated May 24, 1923, has submitted for the approval of this Commission proposed purchasing agent's order dated May 14, 1923, directed to Westinghouse Electric & Mfg. Co. for the following:

18 Transformers	
18 High Tension Panels	
	\$18,161.85
	Delivered.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 348"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the following bids have been received for such work:

Westinghouse Electric & Mfg. Co.....	\$18,161.85
General Electric Co.....	21,525.00

that said transformers and high tension panels are necessary to provide lighting facilities for the municipal rapid transit railroad described in said Contract No. 4; that the said Westinghouse Electric and Mfg. Co. can satisfactorily supply said material; that the prices are reasonable and recommend that said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated June 9, 1923, has recommended that said material be classified as "Equipment of the Railroad" as described in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Equipment of the Railroad as defined in said Contract No. 4.

793—R. T. 6595

Contract No. 4—Statement from New York Consolidated Railroad Company of Results of Operation for Month of April, 1923, and Status of Maintenance and Depreciation Fund—Referred to Chief Accountant

A communication dated June 5, 1923, from the New York Consolidated Railroad Company, by Howard Abel, Comptroller for Lindley M. Garrison, Receiver, submitting statement of Results of Operation for the month of April, 1923, for the period from August 4, 1913 to April 30, 1923, and the status of the Maintenance and Depreciation Funds, under Contract No. 4, was referred to the Chief Accountant.

794—R. T. 6481, 6506

Contract No. 4—Communication from A. M. Williams with Respect to Financing of Fifty New Cars—Referred to Acting Chief Executive Officer

The following communication and enclosures referred to therein were referred to the Acting Chief Executive Officer:

RUSHMORE, BISBEE & STERN,
21 Broadway, New York.

"June 8, 1923.

Mr. JAMES B. WALKER,
Secretary of TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Dear Sir:

Re: B. R. T.

Referring to your recent letter and confirming my conversation with you regarding the status of the fifty additional rapid transit cars proposed to be financed by the Receiver to the use of funds on deposit with the Depreciation Fund Board under Contract No. 4, I enclose herewith the copy of a letter dated April 19, 1923, addressed to me by Mr. Harold J. Gallagher and copy of my reply dated April 21, 1923. I assume the purchase price of the cars will be financed either through the use of the money to be provided in the reorganization of New York Municipal Railway Corporation and New York Consolidated Railroad Company, or, if it is determined to acquire the fifty new cars as replacements of existing equipment, through funds with the Depreciation Fund Board insofar as applicable under Contract No. 4, and with new money provided in the reorganization or from some other source for the balance. These are matters, however, on which no final decision has been reached so far as I am aware, and undoubtedly will be taken up and disposed of by the new management in due course after it takes charge.

I suggest in the meantime that it might be appropriate for you to ascertain from Mr. Menden whether the orders for the cars have been placed in order that your records may be complete.

Very truly yours,
A. M. WILLIAMS."

June 13, 1923]

590

HORNBLOWER, MILLER & GARRISON,
New York.

A. M. WILLIAMS, Esq.,
61 Broadway,
New York City.
Dear Mr. Williams:

"April 19, 1923.

In order that our files will show what was decided to be done respecting the investment of the moneys in the Depreciation Fund Board in Equipment Trust Certificates, I beg to state the understanding that we had over the telephone on Wednesday afternoon, April 11th. You advised me that you and Mr. Mudge had had a conference with Judge Mayer on that afternoon at which the question of the investment of the Depreciation Fund moneys in the equipment obligations to be secured by the 50 new subway cars was brought up and that the conclusion reached by Judge Mayer was that the conference with Colonel Williams and the other members of the Depreciation Fund Board scheduled for Thursday, April 12th, should be indefinitely postponed and the Depreciation Fund Board not be requested at this time to invest the funds under their control in the new subway cars or in equipment trust certificates. You further stated that in behalf of your Committee you thought the Receiver should go ahead and order the cars and to hold in abeyance for the time being the matter as to how the payment for the said fifty cars should be financed. Accordingly no action has been taken by us since that time to secure the consent of the Depreciation Fund Board to the use of the Depreciation Fund for the purchase of the 50 cars.

If I have correctly stated your understanding, will you kindly confirm it by letter.
Yours very truly,
HAROLD J. GALLAGHER."

Mr. HAROLD J. GALLAGHER,
Hornblower, Miller & Garrison,
24 Broad St.,
New York City.

"April 21, 1923.

Re: B. R. T.

Dear Mr. Gallagher:

I have your letter of April 19th, regarding the purchase of fifty new subway cars and the use of moneys in the Depreciation Fund Board to purchase Equipment Trust Certificates in connection with financing such purchase. In reply, your letter correctly states my understanding.

Very truly yours,
A. M. W."

795—R. T. 7668

Contract No. 3—Report by Real Estate Clerk as to Fire Risks Under Elevated Portions of Interborough Rapid Transit System—Referred to Chief Engineer

A report was presented from the Real Estate Clerk dated May 28, 1923, advising of a general survey made as to fire risks under elevated portions of the Interborough Rapid Transit System. Upon motion duly seconded and adopted the matter was referred to the Chief Engineer to take up with the engineers of the Interborough Rapid Transit Company with a view to eliminating any really dangerous conditions.

796—Cases 1264; 1380

The Long Island Railroad Company—Alterations of Grade Crossings at Hempstead, Jamaica Turnpike, et al—Communication from Chief Engineer of Company Relative to Removal of Wires and Poles of New York & Queens Electric Light & Power Company Concerning Expense of Such Removal—Report by Counsel Recommending that the Commission Join with Company in Making Application to Public Service Commission—Approved

The Secretary presented a communication, dated May 24, 1923, from L. V. Morris, Chief Engineer of The Long Island Railroad Company, advising that in carrying out

the work of elimination pursuant to the Order in Cases Nos. 1264 and 1380, it would be necessary to have the poles and wires of the New York & Queens Electric Light & Power Company raised and relocated at 212th Street, Hempstead Turnpike, 218th Street and Springfield Boulevard, in the Borough of Queens, and inquiring if the electric company must pay the expense of such changes. The Secretary also presented a report, dated June 1, 1923, by Assistant Counsel Cloutman, approved by Counsel to the Commission, recommending that the Commission join with The Long Island Railroad in an application to the Public Service Commission for an Order directing the New York & Queens Electric Light & Power Company to raise and relocate at its own expense the poles and wires involved in the work of the elimination in a manner to conform with the new street grades established in the proceeding.

Thereupon, the above mentioned report was approved.

797—Case 2625

Eighth Avenue Railroad Company—Application for Authority to Issue Bonds Secured by Real Estate Mortgage—Opinion by Counsel Approved—Order Granting Supplemental Application for Authority to Issue \$100,000 Bond and Mortgage Adopted

The Secretary presented a Report and Opinion in Case No. 2625, dated June 4, 1923, by George O. Redington, Counsel to the Commission, recommending that permission be granted to the Eighth Avenue Railroad Company to issue a mortgage for \$100,000 to the Farmers Loan & Trust Company, and to issue its bond in the sum of \$100,000 secured by said mortgage.

Thereupon, the above mentioned Report and Opinion was approved and an Order in Case No. 2625 was adopted and ordered filed in the following form:

At a Meeting of the Transit Commission held at its office,
No. 49 Lafayette Street, Borough of Manhattan, City of
New York, on the 13th day of June, 1923.

Present:

GEORGE McANENY,
Chairman, } Commissioners.
JOHN F. O'RYAN, }

IN THE MATTER
of the

Application of the Eighth Avenue Railroad Company for
authorization to issue bonds secured by mortgages on
two parcels of its real property to the amount of
\$1,200,000

Case No. 2625
ORDER GRANTING SUP-
PLEMENTAL APPLICA-
TION FOR AUTHORITY
TO ISSUE ADDITIONAL
\$100,000 BOND AND
MORTGAGE

Section 1. Supplemental application having been made to the Transit Commission by the Eighth Avenue Railroad Company by petitions, dated and verified May 10, 1923, and May 25, 1923, for an Order authorizing it to execute its further bond and mortgage for the sum of \$100,000 to the Farmers Loan & Trust Company on certain real estate located on the west side of Eighth Avenue between 49th and 50th Streets, extending back 475 feet on 49th Street and 450 feet on 50th Street, in the Borough of Manhattan, City, County and State of New York.

Section 2. It Is Ordered, That the Transit Commission does, as is hereinafter provided, hereby consent to the execution and issuance by said Eighth Avenue Railroad Com-

pany of a certain mortgage described as follows: A mortgage by the said Eighth Avenue Railroad Company unto the Farmers Loan & Trust Company on the parcel of real estate of the Eighth Avenue Railroad Company situate on the west side of Eighth Avenue between 49th and 50th Streets, in the Borough of Manhattan, City of New York, to secure a loan of \$100,000 on bond and mortgage of the Eighth Avenue Railroad Company, payable March 11, 1927, with interest at the rate of five per cent. per annum, interest dates March 11 and September 11 in each year.

Provided, however, that the said Eighth Avenue Railroad Company shall hereafter submit to the Commission the mortgage for approval as to form and that the said Commission shall approve the said mortgage as to form. Said company, however, shall have no right or authority to issue any bond pursuant to the terms of said mortgage, except as herein or hereinafter authorized by the Commission.

Section 3. Application having also been made to the Transit Commission by said Eighth Avenue Railroad Company by its said petitions under the provisions of the Public Service Commission Law for an Order of the Commission authorizing the issue by said company of its bond payable March 11, 1927, with interest at the rate of five per cent. per annum, secured by mortgage on that parcel of real estate of said company situate on the west side of Eighth Avenue between 49th and 50th Streets, in the Borough of Manhattan, hereinbefore referred to and a hearing having been duly held on the said application, and it now being the opinion of the Commission, (1) that the money to be procured by the issue of said bond, namely, \$100,000 is necessary to and reasonably required by said company for the improvement of its real property and for the reimbursement of moneys already expended for capital purposes, (2) that the said company should be permitted to expend the said money for the purposes hereinafter stated.

Section 4. It Is Ordered, That the Transit Commission does hereby authorize the issue by said Eighth Avenue Railroad Company of its bond of \$100,000, payable March 11, 1927, with interest at the rate of five per cent. per annum, secured by mortgage to the Farmers Loan & Trust Company hereinbefore described.

Section 5. It Is Ordered, That the issue of said bond of the Eighth Avenue Railroad Company is authorized upon the conditions following and not otherwise, to wit:

First: That the said Eighth Avenue Railroad Company shall apply the proceeds of said issue to the amount of \$100,000 to the following purposes:

1. To the reimbursement of its capital for expenditures made for the improvement of its real property on the east side of Eighth Avenue between 155th and 156th Streets, Borough of Manhattan.

Second: That the said company shall keep separate, true and accurate accounts of the receipt and application in detail of the proceeds of the bond hereby authorized to be issued; and on or before the 10th day of each month, the company shall make verified reports to the Commission stating the issue of said bond, the moneys received therefrom and the use and application of such moneys; and said accounts, vouchers and records shall be open to audit and may be audited from time to time by accountants and examiners designated for such purpose by the Commission.

Third: That the authority hereby given to issue said bond shall apply only to bond issue by the said company on or before the thirtieth day of July, 1923.

Section 6. That a duplicate original of the bond and mortgage authorized and consented to as aforesaid and of the agreement made between the parties consolidating and co-ordinating the said \$100,000 mortgage and the \$800,000 mortgage authorized by order herein adopted March 7, 1922 upon execution thereof be filed by the said Eighth Avenue Railroad Company with the Secretary of the Commission.

Section 7. It is Further Ordered, That this Order take effect immediately, subject to the proviso contained in Section 2, and except as provided in subdivision Third of Section 5, limiting the duration of the authority to issue such bond herein granted, continue in force until otherwise ordered by the Commission, and that within ten days after service upon it of a copy of this Order, said company notify the Commission whether the terms of this Order are accepted and will be obeyed.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

(L. S.)

798—Case 2682

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which Two Bridges Carrying Main Drive in Forest Park Over Right of Way of the Rockaway Beach Division and the Montauk Division of the Railroad Shall Be Altered—Report and Opinion by Acting Chief Executive Officer Approved—Final Order and Determination Adopted

The Secretary presented a report and opinion, dated June 5, 1923, by George L. Lucas, Acting Chief Executive Officer, recommending the granting of the application of The City of New York for a determination as to the manner in which two bridges carrying the Main Drive in Forest Park over the tracks of The Long Island Railroad Company should be altered or changed.

Thereupon, the above mentioned report and opinion in Case No. 2682 was approved and a final order and determination was adopted in Case No. 2682, determining that the additional width of Forest Park Main Drive should be carried over the Montauk and Rockaway Beach Divisions of The Long Island Railroad Company upon the existing bridges to be reconstructed and that the existing bridges should be reconstructed, altered, changed and widened substantially in accordance with the plan prepared by the Commissioner of Parks of the Borough of Queens, and approved by the Board of Estimate and Apportionment on March 23, 1923, and being received in evidence in the proceeding as City's Exhibit No. 5, and further directing that the actual work of reconstruction should be done by The Long Island Railroad Company, that detailed plans and specifications thereof be submitted for the approval of the Commission, and that contracts, if any, be similarly submitted, and that the division of expense be reserved for determination by the Commission upon accounting or accountings provided by the Grade Crossing Act, and that the Company should notify the Commission within five days after the receipt of the order whether the terms thereof were accepted and would be obeyed, and further directing that the Order should take effect at once.

799—Case 2687

Nassau Bus Line, Inc.—Application for Certificate of Convenience and Necessity for Operation of Bus Line between Beach 20th Street and Coronado Beach, Borough of Queens—Order Authorizing Exercise of Franchise Adopted—Resolution Authorizing Execution of Certificate Approved

The Commission approved a resolution in Case No. 2687, authorizing the permission and approval of the Commission to the exercise by the Nassau Bus Line, Inc., of the franchise granted to the company, dated June 8, 1923, by The City of New York.

The Commission also adopted and ordered filed an Order in Case No. 2687, granting the permission and approval of the Commission to the Nassau Bus Line, Inc., to exercise the franchise granted to it by The City of New York, dated June 8, 1923, for the operation of stages or omnibuses over the following route in Far Rockaway, Borough of Queens, City of New York:

"Starting at the intersection of Beach 20th Street, and Cornaga Avenue, east along Cornaga Avenue to Beach 19th Street, to Everdell Avenue to Greenport Road to Rue St. Felix to Grandview Avenue to Seagirt Avenue and along Seagirt Avenue to its termination at the bay at Simis' or Coronado Beach, returning over the same route."

Thereupon the Chairman was authorized by said Resolution and Order in Case No. 2687, to execute a Certificate of Convenience and Necessity for the operation of said route.

800—Case 1198

Interborough Rapid Transit Company—Filing of Franchise and Corporate Documents—Letter from Secretary of Company Transmitting Contract with Third Avenue Railway Company for Installation of Sliding Negative Return Contacts and Binding Cables—Filed

The Secretary presented a communication, dated June 5, 1923, from H. M. Fisher, Secretary of the Interborough Rapid Transit Company, transmitting contract, dated April 20, 1923, with the Third Avenue Railway Company, providing for the installation of sliding negative return contacts and binding cables connected to tracks of the Kingsbridge Railway Company at each end of the draw span of the Harlem Ship Canal Bridge.

Thereupon the above mentioned papers were ordered filed.

801—Case 2618

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in which Park Lane South, in the Borough of Queens, Shall Cross the Tracks of the Montauk Division—Communication from Assistant Counsel Cooke Transmitting Copy of Commission's Brief in the Appellate Division—Filed

The Secretary presented a communication, dated June 7, 1923, from Assistant Counsel Cooke, transmitting copy of Commission's brief in the Appellate Division on the appeal taken by The Long Island Railroad Company, from the Commission's Order in Case No. 2618, determining the manner in which Park Lane South, in the Borough of Queens, shall cross the tracks of the Montauk Division of the railroad, and advising that the appeal was to be argued on June 8, 1923.

Thereupon the above mentioned papers were ordered filed.

802—Case 2679

Brooklyn Rapid Transit Company—Application of Stockholders' Committee for Approval of Plan of Reorganization—Statement by Secretary as to Execution of Certificate by Chairman Authorizing Reorganization of New York Consolidated Railroad Company and New York Municipal Railway Corporation—Ordered Spread on Minutes

The Secretary stated that on June 7, 1923, the Chairman had on behalf of the Commission executed the Certificate authorizing the reorganization of the New York Consolidated Railroad Company and the New York Municipal Railway Corporation, pursuant to the Order in Case No. 2679, which said Certificate was attached to the

certificate of incorporation of the New York Rapid Transit Corporation, a copy of which was filed with the Commission.

Thereupon the above mentioned statement by the Secretary was ordered spread on the minutes.

803

Contract No. 3—The City of New York v. Interborough Rapid Transit Company and Robert Ridgway, etc., Prior Determination Case—Letter from Counsel Advising of Affirmance by Court of Appeals of Judgment of Appellate Division—Filed

The Secretary presented a communication, dated June 1, 1923, from Assistant Counsel Stover, approved by Counsel to the Commission, advising that on May 29, 1923, the Court of Appeals affirmed without opinion the judgment of the Appellate Division, First Department, affirming the judgment of Special Term of the Supreme Court which dismissed the City's complaint in the prior determination case on the ground that it failed to state the cause of action.

Thereupon the above mentioned papers were ordered filed.

804—R. T. 7601

Route No. 52, Section No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with McClintic-Marshall Company for Furnishing and Erecting Structural Steel and Authorizing Appropriation of \$679,838.80—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 1, 1923, was ordered filed:

(Cal. No. 49)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated May 8, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with McClintic-Marshall Company for furnishing and erecting structural steel for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section No. 1, at an estimated cost of six hundred and seventy-nine thousand eight hundred and thirty-eight dollars and eighty cents (\$679,838.80); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be six hundred seventy-nine thousand eight hundred and thirty-eight dollars and eighty cents (\$679,838.80); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of Transit Commission, dated May 8, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding six hundred seventy-nine thousand eight hundred and thirty-eight dollars and eighty cents (\$679,838.80) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be in addition to the general appropriation of *twenty-eight million two hundred thousand dollars* (\$28,200,000), made by the Board of Estimate and Apportionment on *March 18, 1913*, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment June 1, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated June 11, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

805—R. T. 6407

Route No. 52—Certified Copies of Resolutions of Board of Estimate and Apportionment Authorizing Department of Plant and Structures to Prepare Plans for Highway and Rapid Transit Bridge Over Flushing River, Authorizing Appropriation of \$21,200 for Bridge as Charge to Rapid Transit Funds, Authorizing Appropriation of \$18,800 for Bridge as Charge to Funds of Department of Plant and Structures and Authorizing Agreement with Long Island Railroad Company for Contribution and Easements—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on June 1, 1923, were ordered filed:

(Cal. No. 12-A)

Resolved, By the Board of Estimate and Apportionment that, pursuant to the recommendation of the Transit Commission under date of February 27, 1923, the Department of Plant and Structures be and hereby is authorized to proceed with the preparation of plans for the proposed rapid transit and highway bridge over the Flushing River, Borough of Queens, such plans to cover the entire structure, including the double-deck approaches, the lower one to carry the highway and the upper one the rapid transit trains, as well as the double-deck bridge, either lift or swing, which will span the river; the cost of said plans to be charged to the extent of eighteen thousand eight hundred dollars (\$18,800) against the appropriation of a like sum of tax notes, and to the extent of twenty-one thousand two hundred dollars (\$21,200) against the appropriation of a like sum of rapid transit corporate stock, *both* authorized on this date for said purpose.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 1, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 12-B)

Whereas, The Transit Commission, under date of February 27, 1923, recommended to the Board of Estimate and Apportionment that work incident to the construction of the proposed bridge across the Flushing River, to be used partly for rapid transit and partly for highway purposes, be assigned to the Department of Plant and Structures and that said Department in cooperation with the Chief Engineer of the Transit Commission, be authorized to take the necessary steps toward that end; and

Whereas, It appears from estimates presented at this meeting of the Board of Estimate and Apportionment that forty-seven per cent. of the cost of the bridge and its approaches from the highway abutment on the west side of Flushing River to the railway abutment on the east side, would be chargeable to the account of highway construction, and fifty-three per cent. to rapid transit construction; and

Whereas, The tentative estimated cost of the preparation of the plans for said bridge and approaches is forty thousand dollars (\$40,000); therefore be it

Resolved, That the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to and authorize an appropriation of twenty-one thousand two hundred dollars (\$21,200) corporate stock to provide for that portion of the cost of the preparation, by the Department of Plant and Structures, of plans for the proposed rapid transit and highway bridge and approaches over the Flushing River (Rapid Transit Route No. 52), properly chargeable to rapid transit funds; and be it further

[June 13, 1923

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty-one thousand two hundred dollars (\$21,200); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, and the provisions of section 45 of the Greater New York Charter, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to the amount of twenty-one thousand two hundred dollars (\$21,200) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be used for the preparation of the plans aforesaid; said issue of corporate stock to be *in addition* to the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 1, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 12-C)

Resolved, By the Board of Estimate and Apportionment that, pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding eighteen thousand eight hundred dollars (\$18,800), which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which, to the amount of the par value thereof to be (in addition to the appropriation of twenty-one thousand two hundred dollars (\$21,200) rapid transit corporate stock authorized on this date) for the preparation of complete plans for the proposed rapid transit and highway bridge, with approaches, over the Flushing River, Borough of Queens, under the jurisdiction of the Department of Plant and Structures; provided, however, that no encumbrance by contract or otherwise shall be made against this authorization, nor shall bids upon contemplated contracts be advertised for until after approval by the Board of Estimate and Apportionment, or its duly authorized representative, of such proposed expenditure, or of the plans, specifications, estimates of cost and forms of proposed contracts for said improvements; nor shall any architect, engineer, expert or departmental employee be engaged or employed as a charge against such authorization, except after approval by said Board of such employment and of the fee or wage to be paid by preliminary and final contract, voucher or Budget schedule, unless in the case of departmental employees such employment is in accordance with schedules approved by said Board.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 1, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 12-D)

Resolved, By the Board of Estimate and Apportionment that, in connection with the construction of the proposed rapid transit and highway bridge and approaches over the Flushing River, Borough of Queens, the Corporation Counsel be and hereby is authorized and directed to prepare and submit to the Board for its consideration a stipulation and agreement with the Long Island Railroad Company which shall cover among other provisions the following:

(a) A contribution of \$50,000 by the Long Island Railroad Company and as much more as may be agreed upon after the complete plans for this structure are prepared, and it is possible to estimate closely the cost of the elevated approach over the Long Island Railroad Company's property west of the river.

(b) Transfer to the City of title in fee to those portions of the right of way which will necessarily be taken by the footings of the columns which support the elevated structure; and also of an easement in perpetuity over the railroad property for the elevated structure.

(c) That the Long Island Railroad Company shall not make claim against the City for injury or damage of any character to its property or structures by reason of the construction of the bridge and its approaches.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 1, 1923.

JAMES MATTHEWS,
Assistant Secretary.

806—R. T. 6583

Route No. 16—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Transfer of \$40,000 from Rapid Transit Funds to Department of Water Supply, Gas and Electricity for Expense of Relocating Water Mains in Jerome Avenue—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 1, 1923, was ordered filed:

(Cal. No. 143)

Whereas, Under date of June 21, 1922, the Transit Commission transmitted to the Board of Estimate and Apportionment for its approval a requisition for a transfer of forty thousand dollars (\$40,000) from rapid transit funds to the Department of Water Supply, Gas and Electricity for the purpose of relocating water mains under and along Jerome avenue, where they are below and contiguous to the elevated column footings of the Municipal Elevated Rapid Transit Railroad over and along said Jerome avenue; and

Whereas, On March 16, 1923, the Board of Estimate and Apportionment, pursuant to an opinion of the Corporation Counsel, referred back to the Transit Commission its requisition of June 21, 1922; and

Whereas, The Chief Engineer of the Transit Commission, in a communication under date of March 27, 1923, reported with respect to said matter, and on April 3, 1923, the Transit Commission adopted the following resolution:

“Resolved, That said report and recommendation be and the same hereby is approved; that this Commission hereby certifies to the Board of Estimate and Apportionment of The City of New York that upon the findings based upon pertinent facts as set forth in the said report of the Chief Engineer of this Commission that this Commission is of the opinion and believes that the water mains in their present location under and along Jerome avenue, where contiguous to and below the column footings of the Municipal Elevated Railroad over and along Jerome avenue, are a danger and a menace to the safety and stability of said elevated structure and that a communication and requisition in pursuance thereof be transmitted to said Board of Estimate and Apportionment.”

—and renewed its application for the appropriation of the sum of forty thousand dollars (\$40,000) for the purposes set forth in its communication of June 21, 1922, said sum to be deducted from the appropriation heretofore made for the purposes of Contract No. 3; and to be transferred to the Department of Water Supply, Gas and Electricity; and

Whereas, The Chief Engineer of this Board, under date of May 22, 1923, reported in part, as follows:

“The communication of reference from the Transit Commission complies with the terms of the opinion of the Corporation Counsel, and I accordingly recommend that \$40,000 be transferred from the funds appropriated for carrying out Rapid Transit Contract No. 3 to the Department of Water Supply, Gas and Electricity for the purpose of meeting a portion of the expense of relocating the water mains in Jerome avenue from Kingsbridge road to a point about 300 feet north of East 198th street, Borough of The Bronx, but with the understanding that such additional funds as may be necessary will be provided by the Board of Estimate and Apportionment and that the work will be undertaken without undue delay.”

Resolved, That the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby approves of and consents to the requisition of the Transit Commission, dated June 21, 1922, as renewed on April 3, 1923, and that the Comptroller is authorized and requested to transfer the sum of forty thousand dollars (\$40,000) to the Department of Water Supply, Gas and Electricity, for the purpose of meeting a portion of the

expense of relocating the water mains, in Jerome avenue from Kingsbridge road to a point about 300 feet north of East 198th street, Borough of The Bronx; said sum of forty thousand dollars (\$40,000) to be transferred from the appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by this Board on March 18, 1913, and the supplemental or additional appropriations made thereto, for the purposes of Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 1, 1923.

JAMES MATTHEWS,
Assistant Secretary.

807

Expenses—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$200,000 as Part of Expenses for Year Ending December 31, 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 1, 1923, was ordered filed:

(Cal. No. 48)

Resolved, That the Board of Estimate and Apportionment, in accordance with the requisition of the Transit Commission, dated May 8, 1923, and pursuant to the provisions of chapter 134 of the Laws of 1921, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby authorizes an appropriation in the sum of two hundred thousand dollars (\$200,000), in addition to the amount heretofore appropriated, to properly enable the Transit Commission to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by the said law; and the Comptroller is hereby authorized, pursuant to law, and the said requisition of the Transit Commission, to issue special revenue bonds of The City of New York to an amount not exceeding two hundred thousand dollars (\$200,000), redeemable from the tax levy of the year next succeeding the year of their issue, the proceeds to be used for the purposes aforesaid.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 1, 1923.

JAMES MATTHEWS,
Assistant Secretary.

808—R. T. 7639

Agreement "CC"—Notice by Chief Engineer of Commencement of Work for Changes in Railroad Structure to Permit Widening of East 60th Street—Filed

The Commission ordered filed a notice from the Chief Engineer dated June 12, 1923, advising of the commencement of work on June 5, 1923, by Jacob Schlesinger, Inc., for making alterations in the railroad structure to permit the widening of East 60th Street between Second and Fifth Avenues, Agreement "CC."

809—R. T. 5006

Agreement "CI"—Notice by Chief Engineer of Commencement of Work for Making Borings on Sites of Proposed Storage Yards and Extension in Central Park—Filed

The Commission ordered filed a notice from the Chief Engineer dated June 12, 1923, advising of the commencement of work in Central Park on May 31, 1923, and on the site of the proposed Coney Island Yard on June 2, 1923, by Philip J. Healey for making borings on the sites of the proposed Coney Island and Westchester Avenue storage

yards and along the proposed extension of the Broadway-Fourth Avenue Line in Central Park, Agreement "CI."

810—R. T. 7622

Contract No. 2—Letter from Counsel Transmitting Original Recorded Agreement for Approach to Hoyt Street Station Through Premises at No. 501 Fulton Street, Borough of Brooklyn—Filed

The Commission ordered filed a letter from Counsel dated June 8, 1923, transmitting an original agreement dated April 7, 1923, with "Martin's" for an approach to the Hoyt Street Station through the premises at No. 501 Fulton Street, Borough of Brooklyn, which agreement was recorded in the Register's Office of the County of Kings on May 14, 1923, in Liber 4255, Page 277, Block 2076 of Conveyances.

811—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel Transmitting Original Deed of Grant and Release for Easements in Front of Premises at Nos. 6802-6816 and 6822-6826 New Utrecht Avenue, Borough of Brooklyn—Filed

The Commission ordered filed a communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated June 5, 1923, transmitting an original deed of grant and release dated August 16, 1922, from Marie Hanley, conveying to the City of New York certain easements in front of the premises at Nos. 6802-6816 and 6822-6826 New Utrecht Avenue, Borough of Brooklyn, which instrument was recorded in the Office of the Clerk of the County of Kings in Liber 4228, Page 277, Block 5573 of Conveyances on March 8, 1923.

812—R. T. 7040

Route No. 39—Communication from Acting Corporation Counsel Transmitting Original Deed of Grant and Release for Easements in Front of Premises at Nos. 2229, 2231 and 2233 86th Street, Borough of Brooklyn—Filed

The Commission ordered filed a communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated June 5, 1923, transmitting an original deed of grant and release dated July 17, 1922, from Dora Orloff and Miriam Goldstein, conveying to the City of New York certain easements in front of the premises at Nos. 2229, 2231 and 2233 86th Street, Borough of Brooklyn, which instrument was recorded in the Register's Office, Kings County, in Liber 4249, Page 361, Block 6348 of Conveyances on April 24, 1923.

813—R. T. 7089

Route No. 49—Communication from Acting Corporation Counsel Transmitting Original Deed of Grant and Release for Easements in Front of Premises at No. 1123 Gravesend Avenue, Borough of Brooklyn—Filed

The Commission ordered filed a communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated June 5, 1923, transmitting an original deed of grant and release dated December 9, 1922, from Rosalind Blanche Fletcher, conveying to the City of New York certain easements in front of the premises at No. 1123 Gravesend Avenue,

Borough of Brooklyn, which instrument was recorded in the Register's Office, Kings County, in Liber 4244, Page 309, Block 6514 of Conveyances on April 18, 1923.

814

Lease—Report by Real Estate Clerk Recommending Proposed Lease for Two Rooms in Premises at No. 57 Alburdis Avenue, Corona, for Term of One Year from April 16, 1923—Approval Resolution

A report was presented from the Real Estate Clerk, dated June 11, 1923, recommending approval of a proposed lease with Robert G. Lake, for two rooms in the premises at No. 57 Alburdis Avenue, Corona, for a term of one year, beginning on April 16, 1923, at a rental of \$100 per month.

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of June 11, 1923, has reported that the proposed lease dated April 16, 1923, between Robert G. Lake and this Commission, of two rooms numbers 2 and 3 in the premises known as No. 57 Alburdis Avenue, Corona, for the term of one year beginning on the 16th day of April, 1923 and ending on the 16th day of April, 1924, at the rental of \$100.00 per month with an option for a renewal for one year at the same rental, all as more particularly set forth in the said proposed lease, is satisfactory from a real estate point of view, considering local conditions, recommending that the said lease be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid lease, and that the Chairman and Secretary of this Commission be, and they hereby are, authorized and directed to deliver the said lease for and on behalf of this Commission.

815

Employees' Resolution No. 148

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Barnett M. Bass, junior assistant, at \$125.08 per month, to take effect June 11, 1923; Simon Broder, junior assistant, at \$125.08 per month, to take effect June 11, 1923; Alexander Charles, draftsman, at \$150.08 per month, to take effect June 12, 1923; Jacob J. Delbourgo, junior assistant, at \$125.08 per month, to take effect June 11, 1923; Arthur T. Demeroto, junior assistant, at \$125.08 per month, to take effect June 7, 1923; Arthur K. Drake, junior assistant, at \$125.08 per month, to take effect June 11, 1923; Harry Lee, junior assistant, at \$125.08 per month, to take effect June 11, 1923; Percival P. Little, engineering inspector, at \$150.08 per month, to take effect June 8, 1923; Peter E. Rattinger, draftsman, at \$150.08 per month, to take effect June 11, 1923; Gustave Reinberg, junior assistant, at \$125.08 per month, to take effect June 6, 1923; Edward C. Schmidt, junior assistant, at \$125.08 per month, to take effect June 11, 1923; Joseph P. Weismantel, junior assistant, at \$125.08 per month, to take effect June 11, 1923.

Appointment under Rule VIII:9—Julius Jacobs, watchman, at \$3.00 per day, to take effect June 6, 1923.

Reinstatement under Rule XVI:1—George Meister, accountant, at \$150.08 per month, to take effect June 11, 1923.

Resignations—Leo Blankman, draftsman, at \$150.08 per month, to take effect June 20, 1923; Leon A. Humphrey, draftsman, at \$150.08 per month, to take effect June 9, 1923; Carl S. Monniche, draftsman, at \$150.08 per month, to take effect June 19, 1923.

Leave of Absence with Pay—W. J. Broderick, junior assistant, from May 29, 1923; to June 2, 1923; Louis Kamman, junior assistant, from April 20, 1923, to April 26, 1923; Charles Monheit, junior clerk, from April 17, 1923, to May 16, 1923.

Voucher Schedule No. 24

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 565-614, open market orders, \$2,227.71; Vouchers Nos. 297-329, miscellaneous bills, \$95,202.32.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 119; Benedetto & Saussez; approximate estimate No. 1 for the making of alterations in the Broadway-Fourth Avenue Rapid Transit Railroad at various locations to permit widening of streets in the Borough of Manhattan, from March 21, 1923 to April 30, 1923 (R. T. 7635) \$1,471.50;

Voucher No. 129; Rapid Transit Subway Construction Company; Requisition No. 49; principal Contract No. 2, Brooklyn-Manhattan Rapid Transit Railroad, as per determination of Chief Engineer of Transit Commission dated May 12, 1923 (R. T. 6616) \$85,000.00;

Voucher No. 137; Wagner Engineering Company, Inc.; approximate estimate No. 5 for the construction of direction signs at stations of rapid transit railroads of The City of New York, from May 6, 1923 to June 5, 1923 (R. T. 7482) \$1,244.15;

Voucher No. 138; Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 9 for the construction of inspection shed enclosure for route No. 18, 180th Street Yard, from May 1, 1923 to May 31, 1923 (R. T. 7457) \$16,237.75;

Voucher No. 139; Interborough Rapid Transit Company; final estimate for changing the structure of the 7th Ave. Rapid Transit Railroad, made necessary in connection with roadway changes at the northeast corner of 25th Street and Seventh Avenue, Borough of Manhattan to Jan. 31, 1923 (R. T. 7607) \$3,017.99;

Voucher No. 140; Joslin Construction Co., Inc.; approximate estimate No. 10 for the reconstruction of a part of the Queensboro Subway Rapid Transit Railroad, Route No. 26, Jackson Avenue Station, from May 1, 1923 to May 31, 1923 (R. T. 7556) \$10,608.08;

Voucher No. 141; Frederick L. Cranford, Inc.; approximate estimate No. 11 for the reconstruction of a part of Section No. 3 of Route No. 33, completion of Lawrence Street Station, from May 1, 1923 to May 31, 1923 (R. T. 6754) \$10,238.62;

Voucher No. 142; George Colon & Company; approximate estimate No. 12 for the construction of Union Square passageway connection station, Routes Nos. 5 and 8, from May 1, 1923 to May 31, 1923 (R. T. 7513) \$1,083.40;

Voucher No. 143; Frederick L. Cranford, Inc.; approximate estimate No. 2 for the construction of Section 6-A-1 of Route No. 8 of the 14th Street-Eastern Line, from May 1, 1923 to May 31, 1923 (R. T. 7667) \$32,719.47;

Voucher No. 144; Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 13 for the construction of inspection shed enclosure at Livonia Avenue Yard, Route No. 31, from May 1, 1923 to May 31, 1923 (R. T. 7520) \$2,307.52;

Voucher No. 145; Oakdale Contracting Co. Inc.; approximate estimate No. 1 for the construction of a part of the Flushing Route No. 52, Section No. 3, from March 29, 1923 to May 31, 1923 (R. T. 7673) \$35,225.70;

Voucher No. 146; Holbrook, Cabot & Rollins Corporation; approximate estimate No. 12 for the construction of a new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, from May 1, 1923 to May 31, 1923 (R. T. 6114) \$8,615.77;

Voucher No. 148; Gustin-Morris Contracting Corporation; approximate estimate No. 2 for the construction of foundations, Route 52, Section No. 1, Flushing Route, from May 1, 1923 to May 31, 1923 (R. T. 7670) \$7,860.83;

Voucher No. 149; Powers-Kennedy Contracting Corporation; approximate estimate No. 12 for the construction of a part of the Queensboro Subway Rapid Transit Line, Routes Nos. 35 and 67 (R. T. 7584) \$83,456.11.

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Upon motion, duly seconded and adopted, the meeting was adjourned to Thursday, June 21, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, June 20, 1923

Present: George McAneny, Chairman; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

818—R. T. 7665

Routes Nos. 36 & 37—Receipt of Bids for Installation of Switchback Track and Miscellaneous Work East of Queensboro Plaza Station—Referred to Chief Engineer

Chairman McAneny stated that the time within which to receive bids for installing a switchback track and other miscellaneous work east of the Queensboro Plaza Station, Routes Nos. 36 & 37, had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the two bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, June 21, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

819—R. T. 7653

Agreement "CN"—Receipt of Bids for Changes in Subway Structure Due to Widening of West 32d Street at Broadway and for Construction of Ventilation Flue—Bids Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for making changes in the subway structure at Broadway incidental to the widening of West 32nd Street and the construction of a ventilation flue at West 32nd Street and Broadway, Routes Nos. 4 & 36, Section No. 2, Agreement "CN," had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the four bids received. The bids were then referred to the Chief Engineer.

820—R. T. 7653

Agreement "CN"—Resolution Authorizing Release of Checks to All but Lowest and Next to Lowest Bidders for Changes in Subway Structure Due to Widening of West 32d Street and Construction of Ventilation Flue—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on June 21, 1923, for making changes in the subway structure at Broadway, incidental to the widening of West 32nd Street and the construction of a ventilation flue at West 32nd Street and Broadway, Borough of Manhattan (Agreement "CN"), the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to the lowest of the bidders the certified checks in the sum of Three hundred (\$300) dollars, deposited with their bids as security.

821—R. T. 6189

Route No. 5, Section No. 9—Communication from Comptroller Requesting Preparation of Voucher for Payment of Judgment Obtained by Patrick McGovern and Charles L. Perrin—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Authorization of \$182,403.16.

A communication was presented from Charles L. Craig, Comptroller, advising of a judgment obtained by Patrick McGovern and Charles L. Perrin, growing out of the contract for the construction of Section No. 9 of Route No. 5, part of the Lexington Avenue Line, and requesting the preparation of a voucher for payment of same with interest.

The following resolution was adopted:

Whereas, The Comptroller of The City of New York by communication dated June 9, 1923 has requested the transmission to the Department of Finance of The City of New York of a voucher as follows:

"Code CCM 339-A—Judgment in favor of Patrick McGovern and Charles L. Perrin, dated May 3, 1923, for \$153,185.62, plus interest thereon from July 27, 1920 and \$2,172.93 as taxed costs, which judgment was based upon a contract for the construction of that portion of the subway in Lexington Avenue extending from 67th to 79th Streets."

; and

Whereas, The Auditor of this Commission has recommended the making of a requisition for the subauthorization of such amount under the appropriations heretofore made for Contract No. 3, the voucher in compliance with the Comptroller's request to be transmitted to the Department of Finance coincidentally with the sending of such requisition; and

Whereas, Counsel has prepared a proposed requisition which will effect such recommendation,

Resolved, That the said requisition so submitted be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

June 21, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission is in receipt of the following communication dated June 9, 1923, from the Comptroller of The City of New York:

"To THE TRANSIT COMMISSION,

Gentlemen:

The Corporation Counsel advised this department that a judgment, dated May 3, 1923, was obtained against the City of New York by Patrick McGovern

and Charles L. Perrin upon an action commenced against it on the 11th day of April, 1916, to recover the sum of \$284,920.84, together with interest and costs. The action grew out of a contract entered into between the plaintiffs and the City of New York, acting by the Public Service Commission for the First District, for the construction of Section No. 9 of Route No. 5 of that portion of the subway in Lexington Avenue which extends from 67th Street to 79th Street.

There is transmitted herewith a copy of the Corporation Counsel's communication to the Comptroller, under date of May 11, 1923, advising of said judgment, from which it may be noted that in the final judgment, as modified by the Court of Appeals, the plaintiffs are awarded the sum of \$153,185.62 with interest thereon from July 27, 1920, and with the costs of appeal to the Court of Appeals which were taxed at \$2,172.93 and judgment entered accordingly. The Corporation Counsel advised that the judgment was properly obtained and should be paid.

The funds necessary to make payment of the judgment have been transferred from code CCM 300 to

(Code CCM 339-A—Judgment in favor of Patrick McGovern and Charles L. Perrin, dated May 3, 1923, for \$153,185.62, plus interest thereon from July 27, 1920 and \$2,172.93 as taxed costs, which judgment was based upon a contract for the construction of that portion of the subway in Lexington Avenue extending from 67th to 79th Streets.

Will you, therefore, transmit a voucher charged against code CCM 339-A, in favor of Patrick McGovern and Charles L. Perrin, for \$153,185.62 covering the judgment, to which interest is to be added from July 27, 1920 to the date of payment and also charging the sum of \$2,172.93 as taxed costs.

Yours truly,

CHARLES L. CRAIG,
Comptroller."

Your Honorable Board is therefore requested to set aside as a subauthorization from the appropriations heretofore made for the purposes of carrying out the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3, the sum of One hundred eighty-two thousand, Four hundred and Three Dollars and Sixteen Cents (\$182,403.16), which is made up as follows, the interest being computed to July 6, 1923, the anticipated day of payment

Amount of Judgment.....	\$153,185.62
Interest from July 27, 1920 to July 6, 1923.....	27,044.61
Costs (Court of Appeals).....	2,172.93
	<hr/>
	\$182,403.16

The voucher, as requested by the Comptroller in his communication, will be transmitted to the Department of Finance coincidentally with the transmission of this requisition.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

822—R. T. 7601

Route No. 52, Section No. 1—Resolution Approving Sureties upon Bond in Sum of \$50,000 Deposited by Contractor for Supply and Erection of Structural Steel—Adopted

The following resolution was adopted:

Whereas, This Commission is in receipt of the following communication dated June 20, 1923, from G. R. Enscoe, Contracting Engineer of the McClintic-Marshall Company:

"We are delivering herewith four copies of Contract covering furnishing and erecting structural steel on Section No. 1 of Route No. 52 of the Flushing Line, duly executed on our behalf.

You will note that Messrs. W. S. Mitchell, H. H. McClintic, and C. D.

Marshall have signed our bond as Sureties. These men are large stockholders and directors of the McClintic-Marshall Company, as well as of a number of other corporations, and are individually possessed of assets in excess of \$1,000,000.00"

; and

Whereas, This Commission is satisfied as to the financial responsibility of the individuals referred to as sureties upon the said bond in the sum of fifty thousand dollars (\$50,000) deposited as security for the faithful performance of the work for the supply and erecting structural steel on said Section No. 1 of Route No. 52,

Resolved, That the said W. S. Mitchell, H. H. McClintic, and C. D. Marshall be and the same hereby are approved as sureties upon the said bond deposited in accordance with the provisions of and as security for the faithful performance of said contract.

823—R. T. 7652

Route No. 45, Section No. 2—Resolution Approving Sureties upon Bond Deposited by Contractor in Substitution for Certified Check in Sum of \$75,000 Submitted with Bid—Adopted

The following resolution was adopted:

Resolved, That the Massachusetts Bonding and Insurance Company, Maryland Casualty Company, American Surety Company, and United States Fidelity and Guaranty Company, be and hereby are approved as sureties upon the bond in the sum of \$75,000 deposited by Patrick McGovern, Inc., in substitution for the certified check submitted with the bid of the said Patrick McGovern, Inc., on May 22, 1923, for the construction of Section No. 2 of Route No. 45, part of the Broadway-Fourth Avenue Rapid Transit Railroad.

824—R. T. 7648

Agreement "CJ"—Resolution Approving Sureties upon Bond in Sum of \$4,000 Deposited by Contractor for Construction of Concrete and Steel Highway Bridge Over Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn—Adopted

The following resolution was adopted:

Resolved, That the Globe Indemnity Company and the Maryland Casualty Company be and hereby are approved as sureties upon the bond in the sum of Four thousand (\$4,000) Dollars deposited by M. A. Charles as security for the faithful performance of the contract for the construction of a concrete and steel highway bridge over Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, Agreement "CJ," each of said sureties being held and bound in the sum of Two thousand (\$2,000) Dollars.

825—R. T. 7520

Route No. 31—Report by Chief Engineer Recommending Extension of Time to Contractor to May 26, 1923, within Which to Complete Contract for Enclosure to Inspection Shed at Livonia Avenue Yard—Approval Resolution

A report was presented from the Chief Engineer dated June 15, 1923, recommending that an extension of time be granted to Rosenthal Engineering Contracting Company to and including May 26, 1923, within which to complete the contract for the construction of an enclosure to the inspection shed at the Livonia Avenue Yard.

The following resolution was adopted:

Whereas, The contract dated February 17, 1922, between The City of New York acting by the Transit Commission and Rosenthal Engineering Contracting Company for the construction of inspection shed enclosure for the Eastern Parkway Rapid Transit Railroad, Route No. 31, Livonia Avenue Yard, requires in Chapter VIII thereof that the entire work covered by said contract shall be completed in all respects within ten (10) months from the date of the delivery thereof, which contract was

delivered on February 20, 1922, the original period therefor expiring on December 20, 1922; and

Whereas, The said contract in said chapter further provides "But in case the contractor shall be actually and necessarily delayed by reasons of any labor strike not caused or instituted or provoked by the Contractor * * * or in case the Contractor shall be actually and necessarily delayed by any injunction or by any act of the United States Government or by any other interference of public authority or by the suspension of the whole or any part of the work by the Commission * * * then the said date for completion shall, except as hereinafter provided, be extended by the Commission to a date later than the expiration of said authority of ten (10) months * * *"; and

Whereas, The Chief Engineer of this Commission by communication dated June 15, 1923 has reported that the work under said contract started on March 6, 1922; that all the work required by said contract was in all respects completed on May 26, 1923; that the original contract period was exceeded by 131 actual working days; that the said contractor has requested an extension of time as set forth in its letter to the said Chief Engineer of December 12, 1922 for the reason that "we have been hampered a great deal and have been prevented from operating our work in accordance with our schedule by the brick famine during the months of May, June and July; by the embargo placed on material which held back our slate work for quite a long time; by the inability to obtain specific material for the sheet metal work; by the fact that the track floors were not as contemplated when we originally signed the contract * * * which hampered our progress in the plastering work" and recommends for the reason that there is sufficient ground for the granting of the extension of time within the permissible provisions of said contract, that the time for the completion of the work under said contract be extended to and including May 26, 1923.

Resolved, That the said report and recommendation be and the same hereby are approved; that the time of Rosenthal Engineering Contracting Company within which to complete all the work under said contract aforesaid be and hereby is extended to and including May 26, 1923; provided, however, that this extension of time shall not take effect unless and until it shall be consented to in writing by the sureties upon the bond deposited by the said contractor as security for the faithful performance of said contract and unless and until it shall be accepted in writing by the said contractor in a form to be approved by Counsel to this Commission, expressing the understanding that the extension of time herein granted shall in no way for any purpose be deemed a recognition or admission of any claim legal or equitable made or which may be made by the said Contractor under the contract aforesaid and the fact that such extension of time is herein granted shall not be used by the said contractor in any action or proceeding at law or in equity as evidence of an admission of any claim or claims of the said contractor under said contract and that the granting of such extension of time shall in no way defeat or impair any claim or defense of The City of New York in any such action or proceeding growing out of said contract aforesaid.

826—R. T. 7466

Agreement "AZ"—Report by Chief Engineer Recommending Extension of Time to May 25, 1923, to Charles J. Adams & Sons, Inc., within Which to Complete Entrance to Borough Hall Station Through Isle of Safety and Recommending that Contractor Be Required to Deposit Certified Check in Sum of \$200 as Security for Installation of Enamel Signs—Approval Resolution

A report was presented from the Chief Engineer dated June 16, 1923, advising of a request from Charles J. Adams & Sons Inc. dated June 7, 1923, for an extension of time to and including May 25, 1923, within which to complete all work under Agreement "AZ" for an entrance to the Borough Hall Station through the Isle of Safety, Borough of Brooklyn, and recommending that such extension of time be granted and that the contractor be required to deposit a certified check in the sum of \$200 as security for the installation of two enamel signs.

The following resolution was adopted:

Whereas, The contract dated May 16, 1922 between The City of New York acting by the Transit Commission and Charles J. Adams & Sons, Inc. (Agreement "AZ") for the completion of entrance through the isle of safety at the Borough Hall Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad required the completion of all work thereunder within six months after the date of the delivery thereof, which said contract was delivered on May 18, 1922, the last date for completion therefor being November 18, 1922; and

Whereas, The Chief Engineer of this Commission by communication dated June 13, 1923 reports that with the exception of tile work and the replacement of enamel signs and street pavement the work under said contract was completed on March 24, 1923 and that all other work with the exception of the replacement of enamel signs was completed on May 25, 1923; that the said contractor has by communication dated June 7, 1923 requested an extension of time for the reasons more particularly set forth in said report of the Chief Engineer who recommends that the time for the completion of the work under said contract be extended to and including May 25, 1923 and that said contractor be required to deposit a certified check in the sum of \$200 as security for the faithful performance of the contractor in installing said two enamel signs, so as to permit of the acceptance of the work under said contract prior to the installation of said signs,

Resolved, That said report and recommendation be and the same hereby are approved; that the time of the contractor within which to complete the work under said contract be and the same hereby is extended to and including May 25, 1923; and that said contractor deposit with this Commission its certified check in the sum of \$200 as security for the faithful performance on its part of the work of installing two enamel signs required by said contractor, as a condition of the acceptance of all the work under said contract prior to the installation of said enamel signs.

827—R. T. 7466

Agreement "AZ"—Certificate by Chief Engineer of Completion of Contract for Construction of Entrance to Borough Hall Station Through Isle of Safety, Borough of Brooklyn—Resolution Accepting Work and Directing That Certificate Be Filed with Comptroller

The following certificate was approved:

June 16, 1923.

To: TRANSIT COMMISSION:

Certificate of Completion: New Entrance to Borough Hall Station through Isle of Safety, Route 33, Section 3 (Agreement "AZ.")

In connection with the contract dated May 16, 1922 between the City of New York and Chas. J. Adams & Son, Inc., for the construction of an entrance to Borough Hall Station through isle of safety, Route 33, Section 3, I hereby certify that all work was completed on May 25, 1923. The total cost of the work was \$15,930.78.

In accordance with the provisions of the contract all work should have been completed by November 18, 1922. The time for completion, however, was extended to May 25, 1923 by resolution of the Transit Commission adopted on June 20, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The contract dated May 16, 1922 between The City of New York acting by the Transit Commission and Charles J. Adams & Son, Inc. (Agreement "AZ") for the construction of an entrance to the Borough Hall Station of the Seventh Avenue branch of the Seventh Avenue-Lexington Avenue Line, through the isle of safety, Route 33, Section 3, required the completion of all work thereunder on or before November 18, 1922, which time was extended to and including May 25, 1923 by resolution of the Transit Commission adopted on June 20, 1923; and

[June 21, 1923

Whereas, The Chief Engineer of this Commission by communication dated June 16, 1923 has reported that all the work under said contract was in all respects completed on or before May 25, 1923; that the total amount due therefor was \$15,930.78 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York,

Resolved, That said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

828—R. T. 7505

Order No. 21—Certificate by Chief Engineer of Completion of Contract for Supply of Special Work—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

June 14, 1923.

To: TRANSIT COMMISSION:

Certificate of Completion: Supply of Special Work, Order No. 21.

In connection with the contract dated June 27, 1922, between the City of New York and Ramapo Iron Works, for the supply of Special Work (Order No. 21), I hereby certify that all material was delivered by May 26, 1923. The total cost of this material was \$29,214.00.

In accordance with the provisions of the contract, the various portions of special work should have been delivered, as follows:

Portion	Earliest Date Due	Latest Date Due	Received
115	August 22, 1922	September 5, 1922	September 25, 1922
409	September 5, 1922	October 5, 1922	December 9, 1922
424	September 5, 1922	October 5, 1922	December 9, 1922
406	December 5, 1922	February 5, 1923	May 26, 1923
407	December 5, 1922	February 5, 1923	May 26, 1923

The Commission by resolution of June 13, 1923, granted extensions of time for each portion up to and including its actual date of delivery.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The contract dated June 27, 1922, between The City of New York acting by the Transit Commission and Ramapo Iron Works for the supply of Special Work (Order No. 21) required the delivery of the various portions of said Special Work as in said contract more particularly prescribed which periods were extended to and including the actual dates of delivery of said various portions by resolution of this Commission adopted June 13, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated June 14, 1923, reports that the said portions of Special Work were delivered within the extended periods as granted by the Transit Commission in its resolution of June 13, 1923; that the total amount due therefor was \$29,214 and recommends that the said Special Work so delivered be accepted and that a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of The City of New York,

Resolved, That said report and recommendation be and the same hereby are approved; that the said material so delivered be and the same hereby is accepted and that a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

829—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Third Rail Trolley Track Trough for 180th Street Inspection Shed—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 5, 1923, requesting approval of a proposed purchasing agent's order directed to Shield Electric Company for furnishing third rail trolley track trough and cable for 180th Street inspection shed, at a cost of \$3,720.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 12, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by communication dated June 5, 1923, has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated June 5, 1923, directed to Shield Electric Company for the following:

2400 Ft. No. 1014 Third Rail Trolley Track Trough drilled complete with adjustable hangers, also insulation strips. All material to be lead coated with the exception of insulation strips.

Price:		
	\$1.20 per Ft.....	\$2,880.00
20 Current Collectors for 250,000 C.M. Cable.	\$20.00 each.....	400.00
20 Contact points for 250,000 C.M. Cable.	\$22.00 each	440.00
		\$3,720.00
	Total	\$3,720.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 482"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated June 12, 1923, have reported that such material consists of third rail trolley track troughs, current collectors and contact points for use in the erection of an overhead trolley system for the 180th Street inspection shed of the Railroad described in said Contract No. 3; that such installation is to be used for motive power for cars entering and leaving the inspection pits; that the quantities requested are necessary and the prices proposed reasonable; that the design of the apparatus is satisfactory and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated June 18, 1923, has recommended that such material be classified as Equipment of the Railroad, as defined in said Contract No. 3,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be so purchased to be classified as Equipment of the Railroad as defined in said Contract No. 3.

830—R. T. 7669

Contracts Nos. 1 and 3—Application by Interborough Rapid Transit Company for Approval of Installation of Air Line in Southbound Track of Harlem River Tunnel—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. ICqA-6—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated May 22, 1923, requesting the approval to the installation of a three-inch air line in the southbound track of the Harlem River Tunnel of the Manhattan-Bronx Rapid Transit Railroad at an estimated cost of \$1,600.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 5, 1923, stating that the cost is reasonable and that the application should be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations dated June 13, 1923, classifying the work as Additions to Existing Equipment and assigning Work Order No. ICqA-6.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3, said Interborough Rapid Transit Company has by communication dated May 22, 1923 requested the approval of this Commission to the installation of a three-inch air line in the south bound track of the Harlem River tunnel of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads described in said Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated June 5, 1923 reported that the estimated cost of such work is \$1,600 which is reasonable; that the air line proposed is to be approximately 1,300 feet and is to have outlets at various places to provide air facilities for air-driven track and construction tools now used by said Lessee and recommend that the said proposal be approved; and

Whereas, By communication dated June 13, 1923 the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have recommended that the proposed work be classified as Additions to Existing Equipment and that Work Order No. ICqA-6 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal be and the same hereby is approved, the cost of such work to be classified as Additions to Existing Equipment, as defined in said Contract No. 3 and as to which work this Commission assigns Work Order No. ICqA-6.

831—R. T. 6989

Route No. 18—Communication from Interborough Rapid Transit Company Requesting Installation of Approach Tracks at Northerly End of 180th Street Yard—Referred to Chief Engineer

The following communication from the Interborough Rapid Transit Company was referred to the Chief Engineer:

June 15th, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Dear Sirs:

As you are aware, the new yard and inspection facilities at East 180th Street, which are to be provided by the City, as part of its obligations under Contract No. 3, are

urgently needed, and, in fact, indispensable to permit this Company to render the best service possible to the travelling public of this City.

These facilities have been in the course of construction for several years and I understand have already cost, or obligated the City for, nearly \$900,000.

I further understand that within a few weeks these facilities will be completed and ready for use, with the exception of the approach tracks to be provided at the northerly end of the yard and without which the facilities already completed cannot be used for any purpose whatever.

The approach tracks, with slight additional work incident to their construction, are estimated to cost approximately \$44,000.00, and upon their completion would make this most necessary improvement in operating facilities available for immediate use by the Company. Until this small expenditure is made, the investment of nearly \$900,000.00 represented by the balance of the yard, must remain idle and of no use whatever.

Inasmuch as it is clearly the duty of the City to complete this improvement, upon which I do not understand there is, or can be, any difference of opinion, it seems to the writer that the Board of Estimate should be requested promptly to appropriate the necessary funds to enable the Commission to take steps to have these additional facilities made available for use without further delay.

Yours very truly,

FRANK HEDLEY,

President and General Manager.

832—Gen. 3385

Rapid Transit Railroads—Communication from the Board of Estimate and Apportionment Submitting Report by Engineers as to Request of Pennsylvania Railroad for Additional Rapid Transit Routes in Borough of Queens—Referred to Committee of Whole

The following communication from the Board of Estimate and Apportionment was referred to the Committee of the Whole:

June 12, 1923.

THE TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Gentlemen:

At the direction of the Committee of the Whole of this Board, I am forwarding herewith, for your information, copy of a report to said Committee, by Assistant Engineers in this office, relative to the communication from the President of the Pennsylvania Railroad, calling attention to the urgent need for additional rapid transit routes in the Borough of Queens.

Respectfully,

JAMES MATTHEWS,

Assistant Secretary.

833—R. T. 7645

Route No. 18—Certified Copy of Resolution of Board of Estimate and Apportionment Refusing to Consent to Proposed Stipulation for Construction of Duct Line at 239th Street Yard—Referred to Counsel

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 8, 1923, was referred to Counsel.

Resolved, That the Board of Estimate and Apportionment hereby *refuses* to consent to the request of the Transit Commission, under date of February 20, 1923, for approval of a proposed stipulation, executed by the Interborough Rapid Transit Company, providing for the construction of a single duct line within the limits of the City-owned yard at 239th street and White Plains road, whereby the said company obligates itself to pay 30 per cent. of the cost of construction of said duct line, and also as rental for the occupation of the 239th street yard, for the portion of the duct line used by it, the sum of \$100 per annum.

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June 8, 1923

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A true copy of resolution adopted by the Board of Estimate and Apportionment,
June 8, 1923.

JAMES MATTHEWS,
Assistant Secretary.

834—R. T. 7455

**Contract No. 1—Communication from Interborough Rapid Transit Company
Expressing Opposition to Reconstruction of 33d Street Station from Local
to Express Stop—Resolution Directing Public Hearing**

A communication was presented from the Interborough Rapid Transit Company dated May 31, 1923, expressing its opposition to the reconstruction of the 33rd Street Station of the Manhattan-Bronx Rapid Transit Railroad from a local to an express stop and declining to enter into any agreement for such reconstruction.

The following resolution was adopted:

Whereas, On or about the 14th day of December, 1922, the Transit Commission approved the recommendation of its engineers that the 33rd Street Station on the 4th Avenue Line of the Interborough Rapid Transit Company should be reconstructed and altered from a local to an express station; and

Whereas, Pursuant to such recommendation and approval a proposed contract for the reconstruction of such 33rd Street Station accordingly was prepared under and pursuant to the provisions of the contract between The City of New York, acting by the Public Service Commission for the First District and the Interborough Rapid Transit Company dated on or about the 19th day of March, 1913 and known as Contract No. 3; and

Whereas, Interborough Rapid Transit Company, by communication to Counsel for the Transit Commission dated May 31, 1923 expressed its opposition to the alteration and reconstruction of said station as aforesaid and has declined to enter into any agreement for the construction thereof,

Resolved, That upon its own motion, the Transit Commission orders a public hearing to be held before it at its hearing room, No. 49 Lafayette Street, New York City, on the 10th day of July, 1923 at 3 o'clock in the afternoon, to determine whether an alteration and change in construction of said 33rd Street Station from a local to an express station ought reasonably to be made in order to promote the security or convenience of the public or in order to secure adequate service or facilities for the transportation of passengers or property.

835—Case 2688

**The Long Island Railroad Company—Application of The City of New York
for a Determination as to the Manner in Which Queens Boulevard from
74th (17th) Street to Jacobus Street Shall Cross Flushing and North Side
Division, in the Borough of Queens—Hearing Resolution Approved**

The Secretary presented a communication, dated June 11, 1923, from James Matthews, Assistant Secretary of the Board of Estimate and Apportionment, transmitting certified copies of two resolutions approved by the Board on May 25, 1923, changing the grades of Queens Boulevard from 74th (17th) Street to Jacobus Street, in the Borough of Queens, and requesting the Commission to determine the method by which Queens Boulevard shall be carried across the right of way of the Flushing and North Side Division of The Long Island Railroad Company, in the Borough of Queens, together with a map adopted by the Board showing the proposed changes.

Thereupon the Commission approved a resolution in Case No. 2688, directing a hearing on said application at a date to be fixed by the Acting Chief Executive Officer and designating George L. Lucas, Acting Chief Executive Officer, to conduct said hearing.

836—Case 1364

Belt Line Railway Corporation v. Newton et al—Communication from Special Counsel Kingsbury Advising of Special Master's Report and Transmitting Copy of Exceptions Filed on Behalf of Commission—Filed

The Secretary presented a communication, dated June 15, 1923, from H. T. Kingsbury, Special Counsel, advising that the Special Master in the proceeding commenced by the Belt Line Railway Corporation against Newton et al in the United States District Court had filed his report on May 25, 1923, holding that the Commission's Order requiring the railway company to accept transfers for a single five cent fare was confiscatory, and transmitting a copy of exceptions filed on behalf of the Commission to said report.

Thereupon the above mentioned papers were ordered filed.

837

Marine Railway Company—Cessation of Operation—Report by Chief of Transit Bureau as to Discontinuance of Service—Filed

The Secretary presented a report, dated June 14, 1923, from George F. Daggett, Chief of Transit Bureau, approved by George L. Lucas, Acting Chief Executive Officer, advising of the discontinuance of service on June 11, 1923, of the Marine Railway Company from Oriental Point in Manhattan Beach to West End Avenue.

Thereupon the above mentioned report was ordered filed.

838—R. T. 7636

Route No. 16—Notice by Chief Engineer of Commencement of Work for Construction of Inspection Shed and Service Buildings at Jerome Avenue Yard—Filed

The Commission ordered filed a notice from the Chief Engineer, dated June 16, 1923, advising of the commencement of work on June 6, 1923, by Jacob Schlesinger, Inc., for the construction of the inspection shed and service buildings at the Jerome Avenue Yard.

839—R. T. 7416

Routes Nos. 36 and 37—Communication from Interborough Rapid Transit Company Transmitting Copy of Agreement Supplementing Supplementary Agreement for Joint Operation Over Queensboro Lines—Filed

The Commission ordered filed a communication dated June 12, 1923, from the Interborough Rapid Transit Company by H. M. Fisher, Secretary, transmitting a copy of an agreement dated May 28, 1923, between the Interborough Rapid Transit Company, the New York Municipal Railway Corporation, the New York Consolidated Railroad Company and their respective Receivers, supplementing the supplementary agreement dated March 19, 1913, with respect to the exercise of trackage rights and joint operation over the Queensboro Lines.

840—R. T. 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Transmitting Copy of Contract for Purchase of 67,000 Feet of Cable for Substation No. 27—Filed

The Commission ordered filed a communication dated June 12, 1923, from the Interborough Rapid Transit Company, by H. M. Fisher, Secretary, transmitting a copy

of a contract dated January 17, 1923, with the Standard Underground Cable Company for the purchase of 67,000 feet of three-conductor 4/0 paper and lead covered cable for supplying power for Substation No. 27.

841—R. T. 7663

Route No. 52, Section No. 3—Communication from Acting Corporation Counsel Requesting Verification and Signature to Petition for Order of Condemnation for Acquisition of Property at Amity Street between Lawrence and Main Streets, Borough of Queens—Filed

The Commission ordered filed the communication dated June 19, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, submitting for verification and signature, as required by Section 43 of the Rapid Transit Act, a petition to the Supreme Court for an Order of Condemnation for the acquisition of an estate in fee simple absolute in and to certain premises on Amity Street, between Lawrence and Main Streets, Borough of Queens, required for the construction of Section No. 3 of Route No. 52, Flushing Line, the petition having been signed and returned to the Acting Corporation Counsel.

842

Accumulation of Records—Report by Counsel Relative to Records of Cars Turned Back and Recommending Legislation—Filed

The Secretary presented a communication, dated June 12, 1923, by Assistant Counsel Cooke, concurred in by Assistant Counsel Fullen and approved by George O. Redington, Counsel to the Commission, advising that it would be safe to destroy records of cars turned back upon the consent of the Commissioner of Education, and recommending that amendment of the Public Service Commission Law be made by the next Legislature to cover cases of records, etc.

Thereupon the above mentioned report was ordered filed.

843

Employees' Resolution No. 149

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Alfred G. Hewel, draftsman, at \$150.08 per month to take effect June 18, 1923; Abraham Kaufman, engineering inspector, at \$150.08 per month, to take effect June 18, 1923; William J. Lodge, architectural draftsman, at \$150.08 per month, to take effect June 15, 1923; Meyer Michalowitz, engineering inspector, at \$150.08 per month, to take effect June 14, 1923; Raymond D. Palmer, junior assistant, at \$125.08 per month, to take effect June 18, 1923; Charles F. Rittel, Jr., architectural draftsman, at \$150.08 per month, to take effect June 18, 1923; John H. Scott, draftsman, at \$150.08 per month, to take effect June 20, 1923; Carl J. Speer, Jr., junior assistant, at \$125.08 per month, to take effect June 20, 1923.

Resignations—R. K. Diamond, draftsman, at \$150.08 per month, to take effect June 30, 1923; Isaac Dubertstein, draftsman, at \$150.08 per month, to take effect June 24, 1923; Benjamin Govern, draftsman, at \$210.00 per month, to take effect June 18, 1923; Robert J. Stimpfle, draftsman, at \$150.08 per month, to take effect June 15, 1923; Allen H. Tosh, engineering inspector, at \$150.08 per month, to take effect June 16, 1923.

Rescission of Leave of Absence with Pay—W. J. Broderick, junior assistant, from May 29, 1923, to June 2, 1923.

Voucher Schedule No. 25

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of The State of New York, as the vouchers may direct:

Vouchers Nos. 615-623; 625-632; 634-641, open market orders, \$713.82; Vouchers Nos. 330-343, miscellaneous bills, \$3,058.17; Vouchers Nos. 108-125, City payrolls, \$174,736.08; Voucher No. CM-12, State payrolls, \$2,541.66;

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 147, Benedetto & Saussez; approximate estimate No. 2, for the making of alterations in the structure of the Broadway-Fourth Avenue Line, at various locations in the Borough of Manhattan from May 1, 1923 to May 31, 1923 (R. T. 7635) \$988.87;

Voucher No. 150, Slattery Engineering and Constructing Co., Inc.; approximate estimate No. 7 for the construction of additional approach track to the Lenox Ave. & 148th Street Yard, under Contract No. 3, from May 1, 1923 to May 31, 1923 (R. T. 7366) \$22,032.27;

Voucher No. 151; John Pollock; approximate estimate No. 5, for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Line, Borough of Brooklyn, from May 11, 1923 to June 12, 1923 (R. T. 7609) \$1,753.83;

Voucher No. 152, Ramajo Iron Works; final estimate for the supply of special work, Order No. 21, for use in the construction of parts of the 14th Street-Eastern and Broadway-Fourth Avenue Rapid Transit Railroad, Routes Nos. 8 and 4 & 36, from June 27, 1922 to May 26, 1923 (R. T. 7505) \$1,310.30;

Voucher No. 153, Department of Water Supply, Gas and Electricity, City of New York; for relocating water mains on Jerome avenue from Kingsbridge Road to a point about 300 feet north of 198th Street, The Bronx (R. T. 7457) \$40,000.00;

Voucher No. 154; Charles H. Brown & Son, Corporation, Assignee; approximate estimate No. 16 for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8, from May 16, 1923 to June 15, 1923 (R. T. 7539) \$6,282.79;

Voucher No. 155; Charles J. Adams & Son, Inc.; Final Estimate for the construction of an entrance to Borough Hall Station through Isle of Safety, Agreement "AZ," to May 25, 1923 (R. T. 7466) \$2,342.45.

Voucher No. 156; Patrick McGovern and Charles L. Perrin; in full payment of judgment in action of Patrick McGovern and Charles L. Perrin vs. The City of New York, in connection with contract dated February 13, 1912 for the construction of Section 9 of Route No. 5, entered in office of Clerk of New York County on May 4, 1923 (R. T. 6209) \$182,403.16;

Upon motion, duly seconded and adopted, the meeting was adjourned to Wednesday, June 27, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, June 27, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

846—R. T. 7665

Routes Nos. 36 & 37, Section No. 1—Report by Chief Engineer as to Receipt of Bids for Installation of Switchback Track and Miscellaneous Work East of Queensboro Plaza Station and Recommendation for Award of Contract to B. T. & J. J. Mack, Inc., at Bid Price of \$28,562.50—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$31,562.50.

The following report was approved:

June 26, 1923.

TO: TRANSIT COMMISSION:

Proposed Contract for Installation of Switchback Track East of Queensboro Plaza Station, Route 36-37, Section 1.

As previously reported, the bids which were opened on June 20 for this work resulted as follows:

B. T. & J. J. Mack, Inc.....	\$28,562.50
Slattery Engineering Construction Co., Inc.....	31,717.50

Our engineer's estimate for this work was \$17,970.50. The total of the low bid, exclusive of contract items 6, 7 & 8, is only slightly in excess of our estimate for the same work. Items 6, 7 & 8 are for work all of which is required to be done on the operated tracks of the Railroad. The contract provides that the contractor may be required to arrange with the Interborough Rapid Transit Company to do this work. The aggregate price bid for these three items by the low bidder is \$15,000 and by the other bidder, \$12,975. Our estimate for the work under these items was \$6,000. The bid price of the low bidder is based upon an estimate of the probable cost of this work furnished him by the operating company; and that of the other bidder upon his own judgment as to the amount of work, difficulty and risk involved in the work. The cost of work of this character affected by train operation is most difficult to forecast, and therefore notwithstanding the disparity between our estimate and the prices bid, I believe the contract should be awarded to the low bidder.

The low bidder has recently completed in a satisfactory manner a contract, under the supervision of the Commission, for the installation of tracks in the Livonia Avenue Yard. Attached hereto is a copy of minutes of conference held in this office on June 25 with Mr. J. J. Mack, representing the firm. Mr. Mack stated that their financial status is substantially the same as indicated by their statement dated January 16, 1923, also attached, submitted in connection with their bid for construction transformer closets for emergency lighting on New York Municipal Lines in Manhattan and Queens, which contract they were awarded.

I transmit herewith blueprints showing tabulation of bids.

In view of the provision of the contract that all changes in the contact rail and rail bonding incidental to the installation of the tracks to be done by the operating company will be paid for at the actual cost to the contractor plus 5% for superintendence etc., and also an account of extra work payments under Item 150 of the contract, an amount somewhat in excess of the amount of the bid should be requisitioned for this work. The estimated cost of the contact rail and bonding work is \$2,600 and of manufacturing beveled blocks and extra haul under Item 150 of the contract is approximately \$400, making a total of \$3,000, which should be appropriated in excess of the contractor's bid.

Recommendation: From an engineering standpoint I recommend that the contract be awarded to the lowest bidder, B. T. & J. J. Mack, Incorporated, at their bid price of \$28,562.50 and that the amount of \$31,562.50 be appropriated to cover the cost of the work entirely chargeable to Contract No. 4.

ROBERT RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the installation of a switchback track east of the Queensboro Plaza Station of the Queensboro Rapid Transit Railroad, Routes Nos. 36 and 37, Section No. 1, to permit of the joint operation of the Queens lines was heretofore finally adopted and subsequent to advertisement duly made bids respectively totalling as follows were received therfor on June 20, 1923:

B. T. & J. J. Mack, Inc.....	\$28,562.50
Slattery Engineering Construction Co., Inc.....	31,717.50

Whereas, The Chief Engineer of this Commission by communication dated June 26, 1923, has reported that the amount of said low bid is reasonable and that the said B. T. & J. J. Mack, Inc., the low bidder, is financially capable and competent to perform the work and has recommended the award of said contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$31,562.50, being the amount estimated to be necessary to carry out the provisions of said contract upon the part of the City.

Resolved, That the said report and recommendation of the Chief Engineer aforesaid be and the same hereby is approved; that the bid of B. T. & J. J. Mack, Inc. submitted as aforesaid be and the same hereby is accepted and the said proposed contract for the installation of switchback track east of the Queensboro Plaza Station of the Queensboro Rapid Transit Railroad, Routes Nos. 36 and 37, Section No. 1 be and the same hereby is awarded to said B. T. & J. J. Mack, Inc., subject to its being approved and consented to in form and substance as required by law, and that requisition on the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$31,562.50, estimated to be necessary to meet the obligations of the City under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

June 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT,
Municipal Building,
New York, N. Y.

Gentlemen:

The Transit Commission pursuant to the authority vested in it by the provisions of Chapter 134, Laws of 1921, transmits herewith for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission and B. T. & J. J. Mack, Inc., for the installation of a switchback track east of the Queensboro Plaza Station of the Queensboro Rapid Transit Railroad Routes Nos. 36 and 37, Section No. 1, necessary to permit of joint operation of the Queens Lines, together with a requisition upon your Honorable Board for the appropriation of the sum of thirty-one thousand, five hundred sixty-two dollars and fifty cents (\$31,562.50) being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on June 20, 1923, respectively totalling as follows:

B. T. & J. J. Mack, Inc.....	\$28,562.50
Slattery Engineering Construction Co., Inc.....	31,717.50

The Chief Engineer of this Commission in a communication dated June 26, 1923, reports that the bid of B. T. & J. J. Mack, Inc., the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said B. T. & J. J. Mack, Inc., subject to its being approved and consented to in form and substance as required by law.

Your Honorable Board is therefore requested to consent to said proposed contract herein transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of \$31,562.50 (the additional sum being requested for the reason that as reported by the Chief Engineer "all changes in the contact rail and rail bonding incidental to the installation of the tracks to be done by the operating company will be paid for at the actual cost to the contractor plus 5% for superintendence, etc., and also on account of extra work payments under Item 150 of

the contract, an amount somewhat in excess of the amount of the bid should be requisitioned for this work. The estimated cost of the contact rail and bonding work is \$2-600, and of manufacturing beveled blocks and extra haul under Item 150 of the contract is approximately \$400, making a total of \$3,000, which should be appropriated in excess of the contractor's bid") and also to direct the Comptroller of the City of New York to issue bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary moneys for meeting the City's obligations under said proposed contract, to wit the sum of thirty-one thousand, five hundred sixty-two dollars and fifty cents (\$31,562.50).

Your Board is also requested to authorize pursuant to Section 45 of the Greater New York Charter an issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a sub-requisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913, known as Contract No. 4 and the appropriations made in consequence thereto by your Honorable Board.

TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

847—R. T. 7653

Agreement "CN"—Report by Chief Engineer as to Receipt of Bids for Changes in Subway Structure at West 32d Street and Broadway and Construction of Ventilation Flue and Recommendation for Award of Contract to D. C. Serber, Second Lowest Bidder, at Bid Price of \$35,200—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

June 25, 1923.

To: TRANSIT COMMISSION.

*Award of Contract for Work under Agreement "CN," to
D. C. Serber.*

On June 21st, the following bids were received for work under Agreement "CN," making changes in the subway structure at Broadway incidental to the widening of West 32nd Street, and the construction of a ventilation flue at West 32nd Street and Broadway, Routes 4 & 36, Section 2, Borough of Manhattan:

Name	Amount
Benedetto & Saussez	\$29,550
D. C. Serber	35,200
I. J. Stander	37,905
Wagner Eng. Co.	41,347

Our estimate for this work was \$27,690.25.

The members of the firm, Benedetto & Saussez, which is the lowest bidder on this contract, are the same individuals who were members of the firm, Benedetto, Saussez & Bottino, which firm failed to furnish a bond under its bid for work under Agreement "CC," changes in subway structure on account of widening the roadway of East 60th Street, which contract had been awarded by the Commission, and approved by the Board of Estimate. Counsel informally advises that this constitutes a default of its contract for work under Agreement "CC," and therefore, the contract for work under Agreement "CN" can not, under the Charter of the City of New York, be awarded to Benedetto & Saussez.

The next lowest bidder is D. C. Serber, whose bid is \$5,650.00 above the lowest bid. Mr. Serber's bid, although considerably higher than our estimate, I consider reasonable under present conditions of labor and material markets. D. C. Serber, either under his own name or as member of Serber-Stander Company, Inc., has done considerable work for the Commission amounting to more than \$500,000, all of which was carried out to our satisfaction. Lately a contract was awarded to him for work under Agreement "BV," miscellaneous construction and station finish, amounting to \$15,020.

The work under Agreement "CN" includes Item 145-0 for altering existing structure for street widening amounting to \$1,000. This work is to be done "under the juris-

diction of the President, Borough of Manhattan; said work to be performed under the supervision of the Transit Commission." \$1,000 was appropriated for this work by resolution of the Board of Estimate on April 6, 1923.

The rest of the work under Agreement "CN" consists of building a ventilation flue to connect the fan chamber at 30th Street to an opening with grating to be constructed on Greeley Square.

Attached, I send you copies of conferences held in my office on June 22nd and June 25th with members of the firm of Benedetto & Saussez, and also copy of conference held on June 25th with D. C. Serber.

Recommendation: I respectfully recommend that the contract for work under Agreement "CN," making changes in the subway structure at Broadway incidental to the widening of West 32nd Street, and the construction of a ventilation flue at West 32nd Street and Broadway, Routes 4 & 36, Section 2, Borough of Manhattan, be awarded to the second lowest bidder, D. C. Serber, at his bid price of \$35,200, and that a request be made upon the Board of Estimate for an appropriation of this amount, \$1,000 to be taken from the appropriation by the Board of Estimate and Apportionment, of April 6th "for the changes in the subway structure incidental to the widening of West 32nd Street at the northeast corner of Broadway, Manhattan, under the jurisdiction of the President, Borough of Manhattan; said work to be performed under the supervision of the Transit Commission," the balance of the appropriation or \$34,200.00 to be charged to Contract No. 4.

ROBERT RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract (Agreement "CN") for the performance of the work of making changes in the subway structure at the northeast corner of West 32nd Street and Broadway in the Borough of Manhattan and the work of constructing a ventilation flue in the Broadway-Fourth Avenue Rapid Transit Railroad at West 32nd Street and Broadway, Routes Nos. 4 and 36, Section No. 2, was heretofore finally adopted and subsequent to advertising duly made bids respectively totalling as follows were received on June 21, 1923:

Benedetto & Saussez	\$29,550
D. C. Serber	35,200
I. J. Stander	37,905
Wagner Eng. Co.....	41,347

; and

Whereas, The Chief Engineer of this Commission by communication dated June 25, 1923, has reported that the low bidders, Benedetto & Saussez, are the same individuals who were members of the firm of Benedetto, Saussez & Bottino which defaulted under their bid for the proposed contract (Agreement "CC") for making changes in the subway structure on account of the widening of the roadway of East 60th Street and that by reason of the provisions of Section 419 of the Charter of The City of New York their said bid may not therefore be accepted; that the next lowest bid, to wit, that of D. C. Serber, is reasonable under present conditions of labor and material markets; that said D. C. Serber is financially able and competent to perform the work under said proposed contract and has recommended that said proposed contract be awarded to the said D. C. Serber at his bid of \$35,200 and that a requisition be made upon the Board of Estimate and Apportionment for the appropriation of \$34,200 as a charge against the appropriations for Contract No. 4 and the application of \$1,000 being the appropriation made by the Board of Estimate and Apportionment on April 6, 1923, for the performance of the work of changing the subway structure at said point in order to effect the roadway widening; and

Whereas, Counsel has advised and concurred in the conclusions of the Chief Engineer with respect to the effect of the default of the proposed contract of the firm of Benedetto, Saussez & Bottino and the consequent legal inability of this Commission to award said proposed contract to Benedetto & Saussez, the low bidders, for the proposed contract here under consideration,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Benedetto & Saussez be and hereby is rejected on the ground that the members of said partnership are defaulters within the letter and intention of Section 419 of the Charter of The City of New York; that the bid of D. C. Serber, the next low bidder, submitted as aforesaid, be and the same

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[June 27, 1923

hereby is accepted and that the said proposed contract (Agreement "CN") for the making of changes in the subway structure at Broadway and West 32nd Street in the Borough of Manhattan and the construction of a ventilation flue at West 32nd Street and Broadway in the Broadway-Fourth Avenue Rapid Transit Railroad, be and the same hereby is awarded to said D. C. Serber, subject to its being approved and consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation and application of the money estimated to be necessary to meet the City's obligations under said proposed contract be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

June 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921 transmits herewith for the consent of your Honorable Board as required by law a proposed contract to be entered into between The City of New York acting by the Transit Commission and D. C. Serber (Agreement "CN") for the making of changes in the subway structure at Broadway and West 32nd Street in the Borough of Manhattan and the construction of ventilation flue at West 32nd Street and Broadway in the Broadway-Fourth Avenue Rapid Transit Railroad, Routes Nos. 4 & 36, Section No. 2, together with a requisition upon your Honorable Board for the appropriation of the sum of Thirty-four thousand, Two hundred (\$34,200) Dollars and the application of One Thousand (\$1,000) Dollars heretofore appropriated by your Board as hereinafter indicated being the total of \$35,200 which is the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on June 21, 1923 respectively totalling as follows:

Benedetto & Saussez	\$29,550
D. C. Serber	35,200
I J. Stander	37,905
Wagner Eng. Co.	41,347

The Chief Engineer of this Commission in a communication dated June 25, 1923, has reported that the partnership of Benedetto & Saussez consists of the same individuals who were members of the firm of Benedetto, Saussez & Bottino, who were the low bidders for the proposed contract for the alterations in the subway structure necessitated by the widening of East 60th Street and who, after award, approval by your Board and the approval as to form of the Corporation Counsel, defaulted in the execution and delivery of the contract by reason of their inability and failure to file a bond as required by their proposal. They were accordingly declared in default by the Commission, their bid check forfeited and said proposed contract awarded to the next low bidder with the consent of your Honorable Board.

The Counsel to the Commission advises that in view of the legal liability of the members of the partnership of Benedetto, Saussez & Bottino under said default, which was a general partnership, the award of this proposed contract herewith transmitted to the low bidder Benedetto & Saussez would offend both the letter and the spirit of the provisions of Section 419 of the Charter of The City of New York which in part is as follows:

"No bid shall be accepted from, or contract awarded to, any person who is in arrears to the City of New York upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the city."

The Chief Engineer accordingly has in his said communication of June 25, 1923 reported that the bid of D. C. Serber, the next low bidder, is reasonable under existing conditions of labor and material markets; that the said D. C. Serber is competent and financially capable of carrying out the provisions of said proposed contract and the Transit Commission has accepted said bid of D. C. Serber and awarded said proposed contract to him subject to its being approved and consented to in form and substance as required by law, rejecting the bid of Benedetto & Saussez for the legal reasons hereinbefore set forth.

On April 6, 1923 your Honorable Board adopted the following resolution:

"Resolved, By the Board of Estimate and Apportionment, that, pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding one thousand dollars (\$1,000), which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which to the amount of the par value thereof to be used for the changes in the subway structure incidental to the widening of West 32nd Street at the northeast corner of Broadway, Manhattan, under the jurisdiction of the President, Borough of Manhattan, said work to be performed under the supervision of the Transit Commission, and said appropriation to be disbursed upon vouchers, prepared by the Transit Commission and certified by the Borough President."

The amount of the lump sum bid in the proposal of D. C. Serber for the performance of the work included in the resolution of your Honorable Board herein set forth is exactly One thousand (\$1,000) Dollars.

Your Honorable Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract in so far as it pertains to rapid transit construction, to wit; the sum of Thirty-four Thousand Two hundred (\$34,200) Dollars and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract in so far as it applies to rapid transit construction, to wit; the sum of Thirty-four Thousand, Two Hundred (\$34,200) Dollars.

Your Board is also requested to authorize pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract in so far as it applies to rapid transit construction.

This requisition for the appropriation of Thirty-four Thousand, Two Hundred (\$34,200) Dollars is a subrequisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4 and the appropriations made in consequence thereof by your Honorable Board.

Your Honorable Board is also requested to apply to the work included in said proposed contract herewith transmitted of making changes in the subway structure incidental to the widening of 32nd Street at the northeast corner of Broadway, Borough of Manhattan, the sum of One Thousand (\$1,000) Dollars as appropriated by your Board pursuant to the resolution of April 6, 1923 hereinbefore set forth.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

848—R. T. 7520

Route No. 31—Certificate by Chief Engineer of Completion of Contract for Enclosure to Inspection Shed at Livonia Avenue Yard—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

June 26, 1923

TO: TRANSIT COMMISSION

Certificate of Completion: Inspection Shed Enclosure, Livonia Avenue Yard, Route 31.

In connection with the contract dated February 17, 1922, between the City of New York and Rosenthal Engineering Contracting Company, Inc., for the construction of Inspection Shed Enclosure, at Livonia Avenue Yard, Route 31, I hereby certify that all work was completed on May 26, 1923. The total cost of the work was \$190,672.50.

In accordance with the provisions of the contract all work should have been completed by December 20, 1922. The time for completion, however, was extended to May 26, 1923 by resolution of the Transit Commission adopted on June 21, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The contract dated February 17, 1922 between The City of New York, acting by the Transit Commission, and Rosenthal Engineering Contracting Co., Inc., for the construction of inspection shed enclosure of the Livonia Avenue Yard of the Eastern Parkway Rapid Transit Railroad, Route No. 31, required the completion of all work thereunder on or before December 20, 1922, which time was extended to and including May 26, 1923 by resolution of the Transit Commission adopted on June 21, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated June 26, 1923, has reported that all the work required under said contract was in all respects completed on or before May 26, 1923; that the total cost of such work was \$190,672.50 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York,

Resolved, That said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

849—R. T. 6594

Route No. 48, Section No. 2—Communication from Counsel Submitting Proposed Agreement for Stairway in Front of the Premises at No. 55 Wall Street—Approval Resolution

A communication was presented from Counsel dated June 21, 1923, submitting a proposed agreement with The National City Bank of New York and the Interborough Rapid Transit Company for the construction of a subway entrance in front of the premises at No. 55 Wall Street, Borough of Manhattan.

The following resolution was adopted:

Whereas, Counsel, with his letter dated June 21, 1923, has submitted to this Commission a proposed agreement between The National City Bank of New York, Interborough Rapid Transit Company and The City of New York, acting by the Transit Commission, for the construction, maintenance and operation of a subway entrance stairway located in front of the premises No. 55 Wall Street in the Borough of Manhattan, and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This proposed agreement has been approved by the Chief Engineer, Resolved, That said proposed agreement in the form submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

850—R. T. 6698

Route No. 39—Section No. 2—Report by Real Estate Clerk as to Receipt of Bids for Removal of Buildings at No. 1826-85th Street and 1846-86th Street, Borough of Brooklyn, and Recommendation for Award of Contracts—Approval Resolution

A report was presented from the Real Estate Clerk dated June 25, 1923, advising of the result of bids received on June 25, 1923, for the wrecking or removal of buildings to make way for the construction of the extension of New Utrecht Avenue between 81st Street and 86th Street, Borough of Brooklyn, and recommendation for

acceptance of bid of Z. K. Berlin of \$200 for the building at 1826-85th Street and the bid of M. Klotz of \$25 for the building at 1845-86th Street.

The following resolution was adopted :

Whereas, The Commission by resolution dated June 13, 1923, directed that the buildings on the premises known as 1826-85th Street and 1845-86th Street, in the Borough of Brooklyn, for reasons set forth in the said resolution, be sold at public auction for wrecking or removing at 11.00 A. M. on June 25, 1923, in the Real Estate Bureau of the Commission, after advertisement in the CITY RECORD; and

Whereas, The Real Estate Clerk, under date of June 25, 1923, has reported that an auction sale of the said buildings was held at the time and place above set forth, pursuant to the direction of the Commission, after advertisement in the CITY RECORD and after over one hundred building wreckers had been notified by first class mail of the proposed sale, and that at such sale Z. K. Berlin, of No. 145 West 41st Street, Borough of Manhattan, bid \$200 for the building on the premises known as 1826-85th Street and M. Klotz of No. 223 West 112th Street, Borough of Manhattan, bid \$25 for the building on the premises known as 1845-86th Street, recommending that the said bids be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid bids of Z. K. Berlin and M. Klotz, and that the Secretary be, and he hereby is, authorized and directed to execute, on behalf of the Commission, contracts for the wrecking or removing of the said buildings with the said Z. K. Berlin and the said M. Klotz in form to be approved by Counsel; and it is further

Resolved, That the Real Estate Clerk, under the direction of Counsel, be, and he hereby is, authorized and directed to take such steps as may be necessary to clear the said buildings of existing tenancies and to place the said buildings in possession of the respective purchasers thereof at the earliest practicable time.

851—R. T. 7674, 7545

Contract No. 3—Report by Engineer of Equipment and Operation and Chief Engineer Recommending That Interborough Rapid Transit Company Be Directed to Install Train Announcer for Experimental Purposes—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Assigning Work Order No. IGA-2—Approval Resolution

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 5, 1923, recommending that the Interborough Rapid Transit Company be directed to make a trial installation at one mezzanine station on the elevated lines of a suitable train announcer for experimental purposes.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations dated June 14, 1923, classifying the expenditures and assigning Work Order No. IGA-2.

The following resolution was adopted:

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated June 5, 1923, reported with respect to the necessity of installing a suitable train announcer system in the mezzanine stations of the elevated portions of the Railroad described in the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, and recommends that said Interborough Rapid Transit Company, as Lessee under said Contract No. 3, be directed to make a trial installation at one of said stations for the approval of the Engineers of the Commission, before proceeding to the general adoption and installation of any one system; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated June 14, 1923, reported that the said proposed trial installation at one station is in the nature of an experiment and as such comes within the resolution of this Commission of March 7, 1922, with respect to the method of charging expenditures for experimental work,

Resolved, That said reports and recommendations be and the same hereby are approved; that pursuant to the provisions of said Contract No. 3 this Commission hereby directs said Interborough Rapid Transit Company to install at one of the stations of the elevated portion of the Railroad, as defined in said Contract No. 3, a suitable train announcer for experimental purposes, such work to be performed upon the following conditions:

Before beginning proposed experimental work which eventually might become a capital charge, the Lessees should be required to obtain the approval of the Chief Engineer of the Commission to proceed and have appropriate job numbers assigned thereto.

All expenditures made on account of this class of experimental work should be charged to an account, entitled, 'Experimental Work—Suspense';

In the event that such experimental work results in an improvement (approved as such by the Chief Engineer), the account, 'Experimental Work—Suspense' will be credited with the entire cost and the appropriate capital account charged.

The cost of the same class of experimental work which does not result in an improvement should be credited to the account, 'Experimental Work—Suspense' and charged to Operating Expenses, immediately it is decided to stop the work.

and as to which work this Commission assigns Work Order No. IGA-2.

852—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Guide Supports for Steel Doors on 982 Subway Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated May 29, 1923, requesting approval of a proposed purchasing agent's order, directed to the Constructing Specialties Company, for furnishing 5950 guide supports for steel doors for 982 subway cars, at a cost of \$5,650.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 15, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By order adopted on the 15th day of December, 1920, the Transit Construction Commissioner in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911 modifying the contract dated February 21, 1900, known as Contract No. 1 for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911 and by orders adopted co-incidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with the said approval Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated May 29, 1923, directed to Construction Specialties Company for the following:

5,950 Supports, guide, for steel doors, B/P 10358-A.	
Price: \$94951	\$5,650.00
Terms: 2% ten days.	
Deliveries to be made as follows:	
10% by June 20th.	
30% by July 1st, 1923.	
Balance 20% monthly thereafter.	

Other Bidders

The P. H. Gill & Sons Forge & Mach. Works.....	\$1.20 ea.
R. Steel and Sons, Inc.....	1.50 ea.
Columbia Machine Wks. & Mall. Iron Co.....	1.75 ea.
Eastern Steel Castings.....	No bid
Traction Supply and Equipment Company.....	No bid

which proposed purchasing agent's order has been caused to be designated as "Approval No. 485"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated June 15, 1923 reported that such material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

853—R. T. 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Requesting Approval of Change of Date in Delivery in Contract for Furnishing Stokers for New Boilers at 59th Street Power House—Report by Railway Engineer Recommending Approval—Approval Resolution

A communication was presented from the Interborough Rapid Transit Company dated June 11, 1923, calling attention to an error in the form of contract with the American Engineering Company for the purchase and installation of four stokers to be installed under the new boilers at the 59th Street power house with respect to the date of delivery of two stokers.

A report was presented from the Railway Engineer dated June 22, 1923, recommending that the change be approved.

The following resolution was adopted:

Whereas, By resolution adopted by this Commission on September 7, 1922, the application of Interborough Rapid Transit Company for the approval of the installation of Additional Equipment as described in the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company known as Contract No. 3 was approved and to which this Commission assigned, by resolution adopted November 14, 1922, Work Order No. IBA-7; and

Whereas, In pursuance of said approval this Commission by resolution adopted May 15, 1923, approved of a proposed contract dated December 13, 1922, between the said Interborough Rapid Transit Company and American Engineering Company for the purchase and installation of four stokers to be installed under the new boilers at the 59th Street Power House of said Interborough Rapid Transit Company as in said resolution more particularly set forth; and

Whereas, By communication dated June 11, 1923 said Interborough Rapid Transit

Company by Frank Hedley, its President and General Manager, has advised of a clerical error in the form of contract so approved in that the words "the remaining two stokers shall be delivered after February 20, 1923 and not later than March 1, 1923" should read "and not later than March 1, 1924"; that the said contract was changed to correct such error and request the approval of this Commission to the making of such change in said form of contract; and

Whereas, The Railway Engineer of the Power Bureau of this Commission by communication dated June 22, 1923 has recommended that such change in said form of contract be approved,

Resolved, That the said application of Interborough Rapid Transit Company be and the same hereby is approved and that the making of the change in said contract as approved by resolution of May 23, 1923 aforesaid with respect to the date for the delivery of the remaining two stokers from March 1, 1923 to March 1, 1924 be and the same hereby is approved.

854—R. T. 7676

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Plans for Addition to Trainmen's Quarters at Eastern Parkway Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. MCR-18—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated June 6, 1923, requesting approval of plans showing a proposed addition to the trainmen's quarters on the westbound platform of the Eastern Parkway Station of the Broadway Elevated Line at an estimated cost of \$2,500.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 16, 1923, stating that the plans are satisfactory and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations dated June 22, 1923, classifying the work and assigning Work Order No. MCR-18.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation by communication dated June 6, 1923 requested the approval of this Commission to the construction of trainmen's quarters on the westbound platform of the Eastern Parkway Station of the Broadway Elevated Line of the Existing Railroads as described in said Contract No. 4; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated June 16, 1923 have reported that the estimated cost of such work is \$2,500, which is considered reasonable; that the quarters are considered necessary for the convenience of the operating forces; that the drawings showing such work are satisfactory from an engineering standpoint; that the arrangement is satisfactory to the Transit Bureau and recommend that the said request of the Receiver of New York Municipal Railway Corporation be approved; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication dated June 22, 1923 reported with respect to said application and have recommended with respect to the accounting of the cost thereof as follows:

"(1) That the Company account for the salvage, including the cost of removing of all facilities removed, the net final amount to be withdrawn from or paid into (as the case may be), the "Depreciation Fund for Existing Railroads"; and that the original cost of the facilities retired be held available in

said fund for expenditure on new Construction or new Equipment as a Replacement.

"(2) That the cost of constructing the Trainmen's Room, in so far as it is a betterment, be provided out of that portion of moneys of the 'Depreciation Fund for Existing Railroads' which has been made available by Retirements from Service; that it be classified as a Replacement and Work Order Number MCR-18 be assigned thereto.

"(3) That the cost of rearranging any existing facilities be charged to 'Maintenance'."

Resolved, That said reports and recommendations be and the same hereby are approved; that the said application of the Receiver aforesaid be and the same hereby is approved upon the conditions following:

(1) That the New York Rapid Transit Corporation as successor of the said Receiver under said Contract No. 4 shall account for the salvage, including the cost of removing of all facilities removed, the net final amount to be withdrawn from or paid into (as the case may be) the "Depreciation Fund for Existing Railroads"; and that the original cost for the facilities retired shall be held available in said fund for expenditure on new Construction or new Equipment as a Replacement.

(2) That the cost of constructing the trainmen's quarters hereby approved, in so far as it is a betterment, shall be provided for out of that portion of the moneys of the "Depreciation Fund for Existing Railroads" which has been made available by retirements from service; that such work be classified as a Replacement and as to which this Commission assigns Work Order No. MCR-18.

(3) That the cost of rearranging any existing facilities in connection with the work hereby approved shall be charged to "Maintenance."

855—Gen. 1772, R. T. 6694

Contract No. 3—Application by Interborough Rapid Transit Company for Extension of Time to September 15, 1923, within Which to Complete Plans, Specifications and Estimate of Cost for Installation of Signal System on One Mile of Local Elevated Track—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Motion Granting Extension of Time to August 15, 1923

An application was presented from the Interborough Rapid Transit Company dated June 13, 1923, requesting an extension of time to and including September 15, 1923, within which to complete plans, specifications and estimate of cost for installing a speed control system of signals with automatic stops for one mile of local track on the elevated railroads.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 26, 1923, recommending that the extension of time be granted.

Upon motion, duly seconded and adopted, an extension of time was granted to August 15, 1923, within which to file plans, specifications and estimate of cost of such signal system with the understanding that no further extension of time would be granted.

856—Case 2684

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which Cross Island Boulevard (Squire Street) Shall Cross the Main Line—Amending Order Adopted

The Secretary presented a report, dated June 18, 1923, by Engineer of Structures William L. Selmer, approved by H. N. Latey, Engineer of Equipment and Operation,

recommending an amendment of the Final Order in Case No. 2684, adopted on May 29, 1923, so as to eliminate the provision requiring the raising of grades as shown on City map

Thereupon the Commission adopted and ordered filed an Order in Case No. 2684, amending the Order therein adopted May 29, 1923, and directing The Long Island Railroad Company to carry Cross Island Boulevard (Squire Street) across the tracks of the company's Main Line Division, in the Borough of Queens, under the said railroad tracks, such tracks to be reconstructed by raising the same from their present elevation to the elevation shown on a map bearing the signature of the President of the Borough of Queens, entitled "Map No. 1115, showing a change in street grades heretofore established on Cross Island Boulevard," dated December 20, 1922, and being City Exhibit No. 5, introduced at the hearing therein and further providing that detailed plans and specifications shall be submitted to the Commission for approval and requiring that the company should notify the Commission within five days whether the terms of the Order would be accepted and obeyed; the Order to take effect at once.

857—Case 2685

The Long Island Railroad Company—Application of The City of New York for a Determination as to the Manner in Which 211th Street (Bellaire Boulevard) Shall Cross the Main Line—Amending Order Adopted

The Secretary presented a report, dated June 18, 1923, by Engineer of Structures William L. Selmer, approved by H. N. Latey, Engineer of Equipment and Operation, recommending an amendment of the Final Order in Case No. 2685, adopted on May 29, 1923, so as to eliminate the provision requiring the raising of grades as shown on City map.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2685, amending the Order therein adopted May 29, 1923, and directing The Long Island Railroad Company to carry 211th Street (Bellaire Boulevard) across the tracks of the company's Main Line Division, in the Borough of Queens, under the said railroad tracks, such tracks to be reconstructed by raising the same from their present elevation to the elevation shown on a map bearing the signature of the President of the Borough of Queens, entitled "Map No. 1114; establishing the lines and grades of 211th Street (Bellaire Boulevard) from Jamaica Avenue to 99th Avenue, in the Fourth Ward"; dated December 21, 1922, and being City's Exhibit No. 5, introduced at the hearing therein, and further providing that detailed plans and specifications shall be submitted to the Commission for approval and requiring that the Company should notify the Commission within five days whether the terms of the Order would be accepted and obeyed; the Order to take effect at once.

858—Case 2690

Common Carriers Other Than Steam Railroads—Form of Annual Report—Filing Order Adopted

The Secretary presented a report, dated June 25, 1923, from John E. Cooper, Chief, Bureau of Accounting and Valuations, recommending the adoption of a Filing Order

requiring the filing of annual reports by common carriers other than steam railroads, and transmitting proposed forms of letters of transmittal.

Thereupon the above mentioned report was approved and an Order was adopted and ordered filed in Case No. 2690, in the following form:

At a Meeting of the Transit Commission held at its office, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 27th day of June, 1923.

Present, GEORGE McANENY, Chairman, } COMMISSIONERS
LE ROY T. HARKNESS, }

IN THE MATTER
of the
Forms of Annual Report to be filed by Corporations
under the jurisdiction of the Commission other than
steam railroads.

CASE No. 2690
FILING ORDER

It is hereby Ordered, That corporations under the jurisdiction of this Commission other than steam railroad corporations be and they are hereby directed to file with the Commission on or before September 30, 1923, annual reports for the year ending June 30, 1923, in accordance with the following rules and upon the form herein prescribed:

- (1) Operating and non-operating companies—Form E (R-132)
- (2) Lessor Companies—Form D (R-131)
- (3) Stage Coach Corporations earning less than \$500,000 per annum—Mimeographed form
- (4) Fifth Avenue Coach Company shall make its annual report on Form E (R-132) in so far as said form is applicable to the affairs and circumstances of the said Fifth Avenue Coach Company, provided that the operating expenses shall be stated in accordance with the classification filed by the Company on or about July 15, 1914.

Further Ordered, That the Secretary of the Commission shall serve upon each of the said corporations under its jurisdiction other than steam railroad corporations on or before June 30, 1923, a certified copy of this Order together with two copies of the appropriate form in the manner prescribed by law.

Further Ordered, That pursuant to Section 23 of the Public Service Commission Law every person and corporation so served shall notify the Commission within five (5) days in writing of the receipt of said certified copy of this Order and the Forms of annual report aforesaid and that in the case of a corporation such notification must be signed by a person or officer duly authorized by the corporation to admit such service.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

State of New York }
County of New York } ss.

I, JAMES B. WALKER, Secretary of the Transit Commission, do hereby certify that I have compared the foregoing with the original adopted by the Transit Commission on June 27, 1923, and on file in the office of said Commission, and that it is a correct transcript thereof and of the whole of the original.

In testimony whereof, I have hereunto subscribed my hand and affixed the seal of the Transit Commission, this 27th day of June, 1923.

JAMES B. WALKER,
Secretary.

859—Case 2679

Brooklyn Rapid Transit Company—Application of Stockholders' Committee for Approval of Plan of Reorganization—Communications from Alfred E. Marling and Robert A. Shaw Acknowledging Notification as Directors of Brooklyn-Manhattan Transit Corporation—Communications from Gerhard M. Dahl, Frederick Strauss and A. E. Mudge Acknowledging Notification of Nomination of Directors of Brooklyn-Manhattan Transit Corporation—Filed

The Secretary presented two communications from Alfred E. Marling and Robert A. Shaw, dated June 19, 1923, acknowledging receipt of notification by the Commission of their nomination as directors of the Brooklyn-Manhattan Transit Corporation. The Secretary also presented three communications, dated June 19, 1923, from Messrs. Gerhard M. Dahl, Frederick Strauss and A. E. Mudge, acknowledging receipt of notification by the Commission of the nomination of Messrs. Travis H. Whitney, Alfred E. Marling and Robert Alfred Shaw, as directors of the Brooklyn-Manhattan Transit Corporation.

Thereupon, the above mentioned communications were ordered filed.

860—R. T. 7601

Route No. 52, Section No. 1—Statement as to Execution and Delivery of Original Contract for Furnishing and Erecting Structural Steel—Contract Ordered Filed

The Commission ordered filed an original contract dated June 18, 1923, between the City of New York, acting by the Transit Commission, and McClintic-Marshall Company for furnishing and erecting structural steel for Section No. 1 of Route No. 52, Flushing Line, which contract had been executed on behalf of both parties and delivered on June 21, 1923.

861—R. T. 7612

Agreement "CG"—Notice by Chief Engineer of Commencement of Work for Concreting Voids Under Platform at 8th Street Station—Filed

The Commission ordered filed a notice from the Chief Engineer dated June 25, 1923, advising of the commencement of work by Edwards & Flood, Inc., on June 19, 1923, for the concreting of voids under the platform of the 8th Street station, Route No. 5, Section No. 4.

862—R. T. 4039

Centre Street Loop—Original Receipt from Department of Finance for Certified Checks in Sum of \$22,375 as Balance of Purchase Price of Property Sold at Public Auction on Westerly Side of Centre Street between Canal and Howard Streets, Borough of Manhattan—Filed

The following receipt was ordered filed:

June 22, 1923.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE.
AUDITOR OF RECEIPTS.

Received from TRANSIT COMMISSION certified check of Atlas Construction Corporation for Fifteen thousand Dollars (\$15,000.00) and certified check of the Mandel Ehrich

Corporation for Seven thousand three hundred seventy-five Dollars (\$7,375.00), making a total of Twenty-two thousand three hundred seventy-five 00/100 Dollars (\$22,375.00).

Particulars:

Brooklyn Loop Lines (Manhattan Sections).

Being the balance of purchase price of Plot No. II, westerly side of Centre St., between Canal and Howard Streets, Borough of Manhattan, sold to Herbert Fisher at public auction on January 16, 1923, and assigned to Atlas Industrial Corporation.

To be credited to account known as Code No. S 109 C—Real Estate Sales and Rentals of the Transit Commission.

For Comptroller,
H. H. RATHYEN,
Auditor of Receipts.

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Fees Received During May, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of May, 1923, fees, etc., to the amount of \$311.32 and refunds of rental from rapid transit real estate to the amount of \$4,521.40 had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$311.32 to be accredited to the General Fund of The City of New York, and the sum of \$4,521.40 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

864

Employees' Calendar No. 150

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—George McCarthy, telephone operator, at \$90.00 per month, to take effect June 23, 1923.

Appointments under Rule V:4—Roscoe E. Robins, laborer, at \$100.00 per month, to take effect June 22, 1923; Jacob Thorkeisen, machinist, at \$125.00 per month, to take effect June 25, 1923; John R. Turner, laborer, at \$100.00 per month, to take effect June 22, 1923.

Appointments under Rule VIII:4—John P. Mulhern, architectural draftsman, at \$150.08 per month, to take effect June 26, 1923; William R. Nugent, draftsman, at \$150.08 per month, to take effect June 25, 1923; Rafael Pacheco, junior assistant, at \$125.08 per month, to take effect June 25, 1923; William H. Young, junior assistant, at \$125.08 per month, to take effect June 25, 1923.

Appointments under Rule VIII:9—Benjamin Friedenbergl, junior assistant, at \$125.08 per month, to take effect July 26, 1923; Nathan B. Sparer, draftsman, at \$150.08 per month, to take effect July 7, 1923; Samuel Weinberg, draftsman, at \$150.08 per month, to take effect July 28, 1923; Simon Weiner, draftsman, at \$150.08 per month, to take effect July 7, 1923.

Resignations—Paschal Tatorc, draftsman, at \$150.08 per month, to take effect June 23, 1923; G. VanderBoon, draftsman, at \$150.08 per month, to take effect June 29, 1923.

Terminations of Appointments under Rule VIII:4—Benjamin Friedenbergl, junior assistant, at \$125.08 per month, to take effect July 25, 1923; Nathan B. Sparer, draftsman, at \$150.08 per month, to take effect July 6, 1923; Samuel Weinberg, draftsman,

at \$150.08 per month, to take effect July 27, 1923; Simon Weiner, draftsman, at \$150.08 per month, to take effect July 6, 1923.

Change of Item in June 21, 1923, Resolution Concerning Benjamin Govern so as to Read as Follows—(Resignation) Benjamin Govern, draftsman, at \$210.00 per month, to take effect June 15, 1923.

Leave of Absence without Pay—Louis Kamman, junior assistant, from June 6, 1923, to June 17, 1923.

865

Employees' Calendar No. 151

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment Exempt—Benjamin Schwartz, assistant secretary, at \$250.00 per month, to take effect July 1, 1923.

Resignation Exempt—Lillian Keller, secretary to Chairman, at \$300.00 per month, to take effect June 30, 1923.

866

Voucher Schedule No. 26

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that said vouchers be transmitted for payment to the Comptroller of The City of New York.

Estimates by Chief Engineer for Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 157, B. T. & J. J. Mack, Inc.; approximate estimate No. 4 for the construction of transformer closets for emergency lighting for part of the Broadway-Fourth Avenue Line in the Boroughs of Manhattan and Queens, from May 16, 1923, to June 16, 1923 (R. T. 7587) \$1,033.76;

Voucher No. 158; New York Rapid Transit Corporation; approximate estimate No. 2 for distribution and installing covers, frames and asbestos lumber panels for low bench duct manholes, Contract No. 4, from March 1, 1923, to May 31, 1923 (R. T. 7596), \$596.81;

Voucher No. 159; Rosenthal Engineering Contracting Company; final estimate for the construction of inspection shed enclosure at Livonia Avenue Yard, Route No. 31, to May 26, 1923 (R. T. 7520), \$19,067.24;

Voucher No. 160; Jacob Schlesinger, Inc., approximate estimate No. 11 for the construction of a second addition to shops at the Lenox Avenue and 148th Street Yard, under Contract No. 3, from May 16, 1923, to June 15, 1923 (R. T. 7368), \$21,024.27.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, June 29, 1923

Present: George McAneny, Chairman; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

867—R. T. 7575

Brooklyn Loop Line—Receipt of Bids for Construction of Additional Entrances at Canal Street Station—Referred to Chief Engineer

Chairman McAneny stated that the time within which to receive bids for the construction of additional entrances at the Canal Street station, Brooklyn Loop Line,

June 29, 1923]

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had elapsed a 11:30 A. M. and directed the Secretary to open the sealed box, which had been provided for the deposit of such bids, and to read the bids received.

The Secretary presented the proper affidavits of publication and opened the box and read the three bids received.

The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street

Borough of Manhattan, City of New York

Proceedings for Tuesday, July 3, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

868—R. T. 7470

Order No. 20—Report by Chief Engineer Recommending Extensions of Time within which to Complete Delivery of Various Portions of Special Work—Approval Resolution

A report was presented from the Chief Engineer, dated June 27, 1923, recommending extensions of time to Bethlehem Steel Products Company, within which to complete the delivery of various portions of Special Work, Order No. 20.

The following resolution was adopted:

Whereas, The contract dated June 5, 1923 between The City of New York acting by the Transit Commission and Bethlehem Steel Products Company for the supply of Special Work and other track materials for use in the Jerome Avenue Yard, Route No. 16 (Order No. 20), required the delivery of the various portions of work and material, as more particularly set forth in Article L of said contract; and

Whereas, The Chief Engineer of this Commission by communication dated June 27, 1923 has reported that the following table shows the contract date for delivery and the actual date of delivery:

Latest Contract Date	Actual Delivery
Portion 245 October 6, 1922	January 11, 1923
" 246 "	February 7, 1923
" 253 "	March 28, 1923
" 250 November 6, 1922	June 6, 1923
" 251 "	January 8, 1923
" 252 "	March 12, 1923
" 247 December 6, 1922	June 6, 1923
" 248 "	February 14, 1923
" 249 "	March 12, 1923

that because of the inability of the City to utilize the various portions of Special Work an informal arrangement was entered into with the said contractor for the sequence and times of delivery, which accorded with the Commission's necessity for such material and accordingly recommends that the times of delivery for the various portions of the Special Work under said contract be extended to the dates of "actual delivery" as set forth in the foregoing schedule,

Resolved, That the said report and recommendation be and the same hereby are approved; that the time for the delivery of the various portions of Special Work under said contract for such work be and the same hereby is extended to and including the date appearing in the column headed "Actual Delivery" as hereinbefore set forth.

869—R. T. 7470

Order No. 20—Certificate by Chief Engineer of Completion of All Work under the Contract for the Supply of Special Work for Use in Construction of Jerome Avenue Yard—Resolution Accepting Work and Directing that Certificate be Transmitted to Comptroller of The City of New York

July 3, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Supply of Special Work, Order No. 20.

In connection with the contract dated June 5, 1922 between the City of New York and Bethlehem Steel Products Co. for the supply of special work, Order No. 20, for use in the construction of a part of the Jerome Avenue Yard, Route 16, I hereby certify that all material was delivered by June 6, 1923. The total cost of this material was \$38,053.74.

In accordance with the provisions of the contract, the various portions of special work should have been delivered as follows:

Portion	Earliest Date Due	Latest Date Due	Received
245	September 6, 1922	October 6, 1922	January 11, 1923
246	September 6, 1922	October 6, 1922	February 7, 1923
253	September 6, 1922	October 6, 1922	March 28, 1923
250	October 6, 1922	November 6, 1922	June 6, 1923
251	October 6, 1922	November 6, 1922	January 8, 1923
252	October 6, 1922	November 6, 1922	March 12, 1923
247	November 6, 1922	December 6, 1922	June 6, 1923
248	November 6, 1922	December 6, 1922	February 14, 1923
249	November 6, 1922	December 6, 1922	March 12, 1923

The Commission, by resolution of July 3, 1923, granted extensions of time for each portion up to and including its actual date of delivery.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RINGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The contract dated June 5, 1922, between The City of New York, acting by the Transit Commission and Bethlehem Steel Products Company for the supply of Special Work (Order No. 20) for use in the construction of the Jerome Avenue Yard, Route No. 16, of the Railroad described in the contract dated March 19, 1913, known as Contract No. 3, required the delivery of the various portions of special work within the periods prescribed in said contract, which periods were extended as more particularly appear in the resolution of the Transit Commission adopted July 3, 1923; and

Whereas, The Chief Engineer by communication dated July 3, 1923, reports that the various portions of such work were delivered within the periods of time as extended by the resolution of the Transit Commission adopted July 3, 1923; that the total amount due therefore was \$38,053.74 and recommends that the materials so delivered be accepted and that a certificate of such final delivery and acceptance be prepared and transmitted to the Comptroller of the City of New York.

Resolved, That the said report and recommendation be and the same hereby are approved; that the materials so delivered be and the same hereby are accepted and that a certificate of such final delivery and acceptance be prepared and transmitted to the Comptroller of The City of New York.

870—R. T. 7603-6961

Route No. 52, Section No. 3—Report by Chief Engineer Recommending Restriction of Traffic on Decking over Subway Excavation on Amity Street between Lawrence and Main Streets, Flushing—Approval Resolution

A report was presented from the Chief Engineer dated June 28, 1923, recommending that traffic be restricted over the subway decking on Amity Street between Lawrence

and Main Streets, Flushing, in connection with the contract for the construction of Section No. 3 of Route No. 52.

The following resolution was adopted:

Resolved, That all traffic over the subway decking on Amity Street, Flushing, between Lawrence Street and Main Street, and between Main Street and the easterly limits of subway construction, be restricted to eight (8) miles per hour;

That vehicles with or without loads weighing over ten tons be prohibited on such decking;

That there be excepted herefrom the vehicles of the subway contractor over the decking on its own work;

That the Commissioner of Police be requested to have the above regulation observed.

871—R. T. 7575

Brooklyn Loop Line—Resolution Authorizing Release of Bids to all but Lowest and Next to Lowest of Bidders for Construction of Additional Entrances at Canal Street Station—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on June 29, 1923 for the construction of additional entrances at the Canal Street Station of the Brooklyn Loop Line the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of Five thousand dollars (\$5,000.) each deposited with their bids.

872—R. T. 7618, 6761

Contract No. 3—Application by Interborough Rapid Transit Company Requesting Approval of Award of Contract for Erection of Steam Heating System for Inspection Sheds at 180th Street and Livonia Avenue Yards—Report By Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 8, 1923, requesting approval to the award of a proposed contract for the manufacture and erection of a steam heating system for the inspection sheds and buildings at the 180th Street and Livonia Avenue Yards to Almirall and Company at a total cost of \$93,000.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 22, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, this Commission, by resolution adopted May 15, 1923, approved the Invitation to Contractors, Forms of Contract, Bond, Contractor's Proposal and Specifications for the performance of the work for the manufacture and erection of a steam heating system for the inspection shed, oil house, signal tower and crew room buildings in the 180th Street and Livonia Avenue Yards of the Railroad as described in said Contract No. 3, and authorized said Interborough Rapid Transit Company to invite bids for the performance of the work under said proposed contract so approved from a selected list of contractors in lieu of public advertising for bids; and

Whereas, Pursuant to the approval so given Interborough Rapid Transit Company, by communication dated June 8, 1923, has requested the approval of this Commission to the award of said proposed contract to Almirall and Co. at a total cost of \$93,000; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated June 22, 1923, reported that the following bids were received for such work:

	180th St. Yard	New Lots Rd. Yard
Almirall and Co.	\$46,000	\$47,000
Gillis and Geoghegan	49,440	48,560
E. Rutzler Co.	47,171	50,620
Wm. H. Curtin Mfg. Co.	47,850	51,150
N. J. Olvany, Inc.	49,950	52,000

; that the said low bidder is a reputable firm; that the prices are reasonable and recommend that the application of Interborough Rapid Transit Company to award said proposed contract to said Almirall and Co. be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated June 27, 1923, has recommended that such work be classified as Equipment of the Railroad as defined in said Contract No. 3,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said application of Interborough Rapid Transit Company to award the said proposed contract approved as aforesaid to Almirall and Co., the low bidder for such work, be and the same hereby is approved, such work to be classified as Equipment of the Railroad, as defined in said Contract No. 3.

873—R. T. 6761

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for the Provision and Installation of Additional Manhole Doors and Ladders on Brighton Beach Line—Reports by Engineer of Equipment and Operation and Chief Engineer and by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated June 7, 1923, requesting approval of a proposed Purchasing Agent's order directed to the Whale Creek Iron Company for the provision and installation of manhole doors, frames, steel ladders, etc. on the Brighton Line from Church Avenue to Avenue H at an estimated cost of \$2,987.

A report from the Engineer of Equipment and Operation and the Chief Engineer dated June 27, 1923, recommending that the contract be approved, and a report by the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations recommending that the work be charged to Maintenance and in so far as it is a betterment be classified, as "Additions" to Existing Railroads and included in Work Order No. MCA-20 dated October 24, 1922, were also presented.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, W. S. Menden, President of New York Rapid Transit Corporation, successor under said contract to said New York Municipal Railway Corporation, has by communication dated June 7, 1923, requested the approval of this Commission to the issuance of a proposed Purchasing Agent's Order dated June 7, 1923, directed to Whale Creek Iron Works, for the following:

"Furnish and install, including necessary painting, steel plate manhole doors, frames, steel ladders, etc., on the Brighton Beach line, from Church Avenue to Avenue H, Borough of Brooklyn, City of New

[July 3, 1923

York, as indicated upon our drawings C-5689 and C-5690, and as called for in our specifications dated May 1st, 1923.

The above, as per your proposal dated May 28th, 1923, for the lump sum of \$2,987.00" which proposed Purchasing Agent's Order has been caused to be designated "Approval No. 350"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated June 27, 1923, reported that the following bids were received for such work:

"Whale Creek Iron Works	\$2,987.00
Albee and Godfrey	3,152.00
Vulcan Rail and Construction Co.	3,790.00
Harris H. Uris Iron Works	4,586.00
Buckingham Steel Co.	6,225.00"

; that the low bidder is competent to perform the work required; that the work is necessary; that the plans and specifications for the work are satisfactory from an engineering standpoint and recommended that the said proposed Purchasing Agent's Order be approved; and

Whereas, By communication dated June 30, 1923, the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, have recommended a particular classification of the work proposed under said Purchasing Agent's Order as hereinafter more particularly indicated.

Resolved, That the said reports and recommendations be and the same hereby are approved and the said Proposed Purchasing Agent's Order be and the same hereby is approved and the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said Proposed Purchasing Agent's Order, provided, however, that the foregoing approval is given upon condition that

- (1) The cost of alterations, removal and relocation of signal apparatus, accessories, wires and cables be charged to maintenance; and
- (2) That the cost of the work included in the proposed purchasing agent's order, insofar as it is a betterment, be classified as "Additions" to Existing Railroads and included in Work Order Number MCA-20 heretofore assigned, by this Commission on October 24, 1922.

874—R. T. 6080

Route No. 39—Report by Real Estate Clerk, Approved by Counsel, Recommending that Commission Authorize Counsel to Take Such Steps as He Deems Advisable Towards Securing Payment of Rental, etc., from Arthur Bruck, Tenant, at No. 1845—86th Street, Brooklyn—Approval Resolution

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of June 30, 1923, has reported that Arthur Bruck, a tenant in a dwelling at 1845-86th Street, and June, 1923, in the total amount of \$90.00, that formal demand was made for this rental on June 6, 1923, and that no reply has been made to such demand by the said Arthur Bruck, recommending that Counsel be authorized to adjust the matter of this rental with the tenant and to take such steps as may be necessary to secure the payment of the money fairly due to the City, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, authorize and direct Counsel to take such steps as may in his judgment be necessary to recover from the said Arthur Bruck the fair rental due to The City of New York.

875—R. T. 6080

Contract No. 3—Report by Real Estate Clerk, Approved by Counsel, Referring to Default of James R. Ashley and Everett L. Booth, Tenants on Premises on the Easterly Side of Lenox Avenue between West 146th and West 147th Streets, Borough of Manhattan, in Payment of Rental for the Southerly Half of the Block for the Period from March 16, 1923 to April 16, 1923—Approval Resolution

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of June 30, 1923, has reported that Messrs. Ashley & Booth, tenants on the premises on the easterly side of Lenox Avenue between West 146th and West 147th Streets, Borough of Manhattan, are in arrears in the payment of rental in the amount of \$80.00 for the occupancy of the southerly half of the block for the month beginning March 16, 1923, and that formal demand has been made for the payment of this rental without result, recommending that Counsel be authorized to take such steps as in his judgment may be necessary to adjust the amount of rental due The City of New York, if there be grounds for such adjustment, and to recover the fair amount of rental due The City of New York, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, authorize and direct Counsel to take such steps as in his judgment may be necessary to effect the proper adjustment of the above matter and the recovery of the fair amount of rental due The City of New York.

876—R. T. 7479

Route No. 5, Section No. 15—Letter from Counsel Transmitting Original Recorded Mortgage for Property Purchased at Public Auction at Gerard Avenue and Walton Avenue, Borough of The Bronx—Motion Directing Auditor to Provide for Receipt of Interest and Principal When Due—Mortgage Ordered Filed and Motion Adopted

A letter was presented from Counsel dated June 26, 1923, transmitting original mortgage dated May 7, 1923, from John A. McCarthy of No. 243 West 70th Street, Borough of Manhattan, to the City of New York to secure the payment of \$17,000 as the balance of the purchase price of the plot of property sold at public auction on January 16, 1923, at Gerard and Walton Avenues, Borough of The Bronx, which mortgage was recorded in the office of the Register of The Bronx County on May 10, 1923, in Liber 688 of mortgages at page 329 and is indexed in Section 9 under Block 350 on the Land Map of the County of The Bronx.

The communication and mortgage were ordered filed.

Upon motion, duly seconded and adopted, the Auditor was directed to provide for the receipt of the interest and the principal of the mortgage when due.

877—R. T. 7476

Agreement "BH"—Report by Chief Engineer Recommending Extension of Time to June 6, 1923 within which to Complete Contract for Miscellaneous Construction and Station Finish Work in Boroughs of Brooklyn and Manhattan—Approval Resolution

A report by the Chief Engineer dated June 27, 1923, recommending that an extension of time be granted to Geo. Colon & Company to and including June 6, 1923, within which to complete work under the contract for miscellaneous construction and station finish work in the Boroughs of Brooklyn and Manhattan, was presented.

The following resolution was adopted:

Whereas, The contract dated June 6, 1922 between The City of New York acting by the Transit Commission and George Colon & Co. (Agreement "BH") Groups I, II and III for the completion of Station Finish in municipal rapid transit railroads required that the various groups thereunder be completed as follows:

Group 1 within five (5) months of the date of delivery or before Nov. 7, 1922

Group 2 within four (4) months of the date of delivery or before Oct. 7, 1922

Group 3 within three (3) months of the date of delivery or before Sept. 7, 1922

; and

Whereas, The Chief Engineer of the Commission by communication dated June 7, 1923 reports that the various groups of work under said contract were completed on the following dates:

Group 1—June 6, 1923

Group 2—May 28, 1923

Group 3—March 14, 1923

that the completion of the various groups was delayed because of certain contingencies beyond the control of the contractor and for the reasons in his report more particularly set forth, recommends that the time under said contract within which to complete the various groups of work be extended to the date of actual completion,

Resolved, That said report and recommendation be and the same hereby are approved; that the time under said contract aforesaid within which to complete the various groups be extended to and including the date of actual completion as hereinbefore indicated.

878—R. T. 7476

Agreement "BH"—Certificate by Chief Engineer of Completion of all Work under Contract for Miscellaneous Construction and Station Finish—Resolution Accepting Work and Directing that Certificate be Transmitted to Comptroller of The City of New York

The following certificate was approved:

June 30, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Miscellaneous Construction and Station Finish—Agreement "BH" Groups 1, 2 and 3.

In connection with the contract dated June 6, 1922 between the City of New York and George Colon & Company for miscellaneous construction and station finish work, Agreement "BH" Groups 1, 2 and 3, I hereby certify that all work under Groups 1, 2 and 3 was completed on June 6, 1923, May 28, 1923, and March 14, 1923 respectively. The total cost of the work was \$13,962.91.

In accordance with the provisions of the contract all work should have been completed as follows:

Group 1, by November 7, 1922; Group 2, by October 7, 1922; and Group 3, by September 7, 1922. The Commission by resolution of July 3, 1923, granted extensions of time for each group up to and including its actual date of completion.

Recommended, That the work be accepted and that a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The contract dated June 6, 1922 between The City of New York acting by the Transit Commission and George Colon & Company for Miscellaneous Construction and Station Finish (Agreement "BH") Groups I, II and III, required the completion of the said groups as in said contract more particularly set forth, which periods for completion were extended to the date of actual completion by resolution of the Transit Commission adopted on July 3, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated June 30, 1923, has reported that the work under the various groups, as required by said contract, was completed within the time as extended by the Transit Commission as aforesaid;

that the total amount due therefor was \$13,962.91 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York

Resolved, That the said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

879—R. T. 6924, 6324

Routes Nos. 19 and 22—Communication from Commissioner of Department of Water Supply, Gas and Electricity, Requesting Approval of Permit Issued by Interborough Rapid Transit Company to that Department to Install Watermain Upon and Across the Rapid Transit Railroad Bridge Over Bronx River at Westchester Avenue—Report by Chief Engineer Recommending Approval—Approval Resolution

A communication was presented from Honorable Nicholas J. Hayes, Commissioner of the Department of Water Supply, Gas and Electricity for The City of New York, dated June 29, 1923, requesting approval of a permit issued by the Interborough Rapid Transit Company, authorizing the City, through the said Department of Water Supply, Gas and Electricity, to construct and maintain a watermain upon and across a rapid transit bridge over the Bronx River at Westchester Avenue.

A report was presented from the Chief Engineer dated July 3, 1923, recommending that the application be approved, providing there be no legal objections thereto.

The following resolution was adopted:

Whereas, Hon. Nicholas J. Hayes, Commissioner of Water Supply, Gas and Electricity of the City of New York, has by communication dated June 29, 1923, submitted for the approval of this Commission in triplicate a proposed permit dated June 11, 1923, issued by Interborough Rapid Transit Company to said Commissioner of Water Supply, Gas and Electricity and accepted by the latter on June 29, 1923, granting the right to The City of New York to support a 20-inch water main on and along the Seventh Avenue-Lexington Avenue Rapid Transit Railroad, where the same crosses the Bronx River by a bridge at Westchester Avenue, in the Borough of The Bronx, which proposed permit has been approved as to form by the Acting Corporation Counsel under date of June 29, 1923; and

Whereas, Counsel has examined said proposed permit and finds no objection thereto; and

Whereas, The Chief Engineer of this Commission, by communication dated July 3, 1923, has recommended the approval of said permit,

Resolved, That the said permit so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission, made part of said proposed permit.

880—R. T. 6761, 6561

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Signal Equipment to be Installed in Railroad Yard at 239th Street and White Plains Avenue—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval, Endorsed by Auditor of Rapid Transit Costs Recommending Material be Classified as Equipment of the Railroad—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 18, 1923, requesting approval of a proposed purchasing agent's order, directed to

the Union Switch and Signal Company for furnishing signal equipment to be installed in the railroad yard at 239th Street and White Plains Avenue.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated June 28, 1923, recommending that the application be approved, said report being endorsed by the Auditor of Rapid Transit Costs, recommending that the material described in the application be classified as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated June 18, 1923 has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated June 18, 1923 directed to the Union Switch and Signal Company for the following:

Item No.

(1)	6—2 arm (Home and Home) Elec. pneu. semaphore signals, viaduct type, 15 ft. from bottom of base to center of lower blade, as per U. S. & S. Co. dwg. D-1034, dated 2/28/06, to have low flat base, marine sockets for fuse plugs and lamps. The signals to be without cylinder magnets and circuit changers but to have circuit changer connections. Price: \$320.00 each.....	\$1,920.00
(2)	6—1 Arm (Home) Elec. Pneu. semaphore signals, viaduct type, 15 ft. from bottom of base to center of blade, in all other respects similar to item 1. Price: \$225.00 each.....	1,350.00
(3)	1—2 Arm (Home and Home) Elec. pneu. semaphore signal, viaduct type, 11 ft. from bottom of base to center of lower blade. In all other respect similar to item 1. Price: \$295.00 each.....	295.00
(4)	1—1 Arm (Home) Elec. Pneu. semaphore signal, viaduct type 11 ft. from bottom of base to center of blade. In all other respect similar to item 1. Price: \$200.00 each.....	200.00
(5)	17—1 Arm (Home) dwarf signals, as per Fig. A. pl. 0883, U. S. & S. Co. catg. with spectacles as shown on pl. 0907, fig. 9, U. S. & S. Co. with red and green glasses and rubber blades. Signals to have marine sockets for fuse plugs and lamps, 400 ohms magnets. No special circuit breakers. Price: \$115.00 each.....	1,955.00
(6)	18—Mid track Elec. Pneu. motion plate, switch and lock movements complete, with plate cover, indication box and all communications to switch for staggered switch points, 100 lb. ARA type B. rail (10 right) (8 left). Price: \$300.00 each.....	5,400.00
(7)	6—Hanging stop release boxes, comp. with key guide and comp. union, 400 ohm, magnets, type B, pl. 0923, U. S. & S. Co. catg. both air connections for ½" pipe. Price: \$50.00 each.....	300.00
(8)	30—Valves and magnets comp. for signals. 400 ohms, resistance, as per fig. No. 26. pl. 0881, U. S. & S. Co. catg. Price: \$40.00 each.....	1,200.00
(9)	2—Elec. pneu. single switch and lock movements, comp. fig. A pl. 0935, 6" cylinder for slip switches, style of screw jaw and motion plate to be as shown on pl. 0839, U. S. & S. Co. Catg. Cylinder to take ½" pipe. Price: \$133.40 each.....	266.80
(10)	33—Elec. Pneu. switch valves with automatic cut off, 120 ohm magnets, valve seat brackets, connecting bolts and insulators, similar to that shown on fig. 3, pl. 0959, U. S. & S. Co. catg. Price: \$170.00 each.....	5,610.00

Item No.		
(11)	11—Elec. Pneu. switch valves, with automatic cut off, 120 ohm magnets, without cover, but to have base, valve seat brackets, connecting bolts and insulators similar to that shown on fig. 3, pl. 0959, U. S. & S. Co. catg. Price: \$148.50 each.....	1,633.50
(12)	6—Air cooled transformers, 550 volt primary with one 55 volt secondary with taps at 53-57 and 59 volts to supply current for local phase of two A. C. track relays, 6-60 volt, 25 watt lamps, and one secondary to supply current for track phase of two A. C. track relays. Same as previously furnished under our order C-39639, dated August 16th, 1922, requisition 2353-JMW., Union Switch & Signal Co. Price: \$37.50 each.....	225.00
(13)	150—Air strainers, fig. Aa. pl. 01024, U. S. & S. Co. Catg. for ½" pipe, both ends. Also to have ¼" brass male and female cocks in place of pet cocks. Price: \$3.10 each.....	465.00
(14)	75—Keystone insulated track joints, new style, nonsymmetrical, for 100 lb. ARA type B. single rail section as per IRT dwg. C-281, C. H. Whall fibre to be furnished. Price: \$12.00 each.....	900.00
(15)	5—Case iron instrument cases as per I. R. T. dwg. E.-52. Price: \$150.00 each.....	750.00
Total		\$22,470.30

which proposed purchasing agent's order has been caused to be designated as "Approval No. 487"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated June 28, 1923 has reported that the Union Switch and Signal Company's bid was the lowest of those received; that the material is to be used in the 239th Street Yard of the White Plains Road Line of the Railroad, as described in said Contract No. 3; that the quantity of the materials is proper and the character standard for the Interborough system and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated July 2, 1923, has recommended that such material be classified as Equipment of the Railroad.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

881—Case 2691

New York & Long Island Traction Company—Application for Permission to File Revised Tariff Showing Termination of Operation at City Line—Hearing Order Adopted

The Secretary presented a communication, dated June 20, 1923, from Lincoln C. Andrews, General Manager of the New York & Long Island Traction Company, asking for permission to put into effect on three days notice after filing and publication new Local Passenger Traffic No. 1, showing a termination of operation of the Brooklyn-Mineola Line at the City Line.

Thereupon an Order in Case No. 2691 was adopted and ordered filed directing a hearing on said application on July 13, 1923, at 11 A. M., and authorizing and certifying George F. Daggett, Chief of Transit Bureau, pursuant to Sections 8 and 11 of the Public Service Commission Law to conduct said hearing, to take the testimony

therein and report same to the Commission together with his opinion thereon for its decision and determination.

882

The Long Island Railroad Company—New Tariff Relative to Identification of Purchasers of Commutation Tickets—Report by Chief of Transit Bureau—Referred to Counsel

The Secretary presented a report, dated June 27, 1923, by George F. Daggett, Chief of Transit Bureau, approved by George L. Lucas, Acting Chief Executive Officer, recommending that the new tariff filed by The Long Island Railroad Company requiring identification of purchasers of commutation tickets be referred to Counsel to the Commission.

Thereupon the above mentioned report was referred to Counsel to the Commission for opinion.

883—Case 1505

New York Rapid Transit Corporation—Destination Signs in Cars of Elevated and Subway Trains—Amended Order Adopted

The Secretary presented a report, dated June 25, 1923, by George F. Daggett, Chief of Transit Bureau, transmitting correspondence with respect to the acceptance of the Order in Case No. 1505, adopted May 1, 1923, concerning destination signs on rapid transit lines and recommending an amendment to the Order.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1505, in the following form:

At a Meeting of the Transit Commission held at its office,
No. 49 Lafayette Street, Borough of Manhattan, City
of New York, on the 3rd day of July, 1923.

Present:

GEORGE MCANENY,	} COMMISSIONERS.
Chairman,	
LE ROY T. HARKNESS,	

IN THE MATTER
of the

Hearing on the motion of the Commission on the question of changes in the regulations, practices and service of New York Consolidated Railroad Company, Nassau Electric Railroad Company and South Brooklyn Railway Company.

CASE No. 1505
ORDER AMENDING ORDER OF
MAY 1, 1923.

Destination signs in cars in service on elevated lines.

An order having been made in this Case on July 30, 1914, and the New York Consolidated Railroad Company, the Nassau Electric Railroad Company, and the South Brooklyn Railway Company having made application for a modification of said order, and an order having been made on September 15, 1914 amending said order of July 30, 1914, and an order having been made on June 8, 1915 amending said order of July 30, 1914 as amended, and an order having been made on June 22, 1915 further amending said order of July 30, 1914 as amended, and an order having been made on July 9, 1915 further amending said order of June 22, 1915 as amended, and an order having been made on May 1, 1923 further amending said order of July 30, 1914 as amended, and the New York Rapid Transit Corporation having become the successor

of the New York Consolidated Railroad Company and succeeded to all of its franchise and property rights,

It Is Ordered, That said order of July 30, 1914 as amended by said order of September 15, 1914, and said order of June 8, 1915, and said order of June 22, 1915, and said order of July 9, 1915, and said order of May 1, 1923, be, and the same hereby is further amended as to the directory portion thereof, so as to read as follows:

Ordered, That all cars now equipped with holders for line or destination signs, and every motor car operated by said New York Rapid Transit Corporation, shall display, when in service, proper line and destination signs, and that all trains composed of the old type elevated cars operated by said company shall also display in service proper dash destination signs, and

It Is Further Ordered:

1. Special trains, such as trains to baseball games, motordrome, and places of like character, carrying white flags, shall be exempt from requirements as to signs.

2. Trains or cars of the old elevated type diverted from one line to another for emergency or shop purposes shall not be required to display signs.

3. On Sundays and holidays, when the entire available equipment of the Southern Division is insufficient to care for the persons on that division and it is necessary to operate therein trains or cars ordinarily operated on the Eastern Division, the trains or cars of the old elevated type so diverted shall not be required to carry signs.

4. When in an emergency it becomes necessary to turn back cars before trains reach their scheduled destination, it shall not be deemed a violation of this order if such cars or trains do not display proper destination signs.

5. The elevated equipment used in the Myrtle Avenue short-line service between Metropolitan Avenue and Broadway on their westbound trips shall be required to display a dash sign only; and the subway equipment used in this service shall not be required to carry destination signs.

6. Cars and trains used in the Fulton Street short-line service between Lefferts Avenue and Franklin Avenue on their westbound trips shall be required to carry a dash sign only.

7. Cars and trains used in the Culvert short-line service between Kings Highway and 9th Avenue on their westbound trips shall be required to display dash signs only.

8. Subway cars and trains used in the Broadway-Canarsie rush hour service, which is short-lined at Canal Street and discharges all passengers at the Bowery Station, shall not be required to display destination signs.

9. Subway cars not equipped with the Queens Plaza and Prospect Park roll signs will not be required to display such signs before August 1, 1923.

10. Subway cars not equipped with City Hall, Via Bridge and Via Tunnel roll signs shall not be required to display such signs until October 1, 1923, and

It Is Further Ordered, That this order shall take effect immediately, and that within three days after service of this order, said last mentioned company shall notify this Commission whether this order is accepted and will be obeyed.

By the Commission,

JAMES B. WALKER,
Secretary.

884—Case 1676

The Concourse Bus Line, Inc.—Regulations as to Schedules for Passenger Service—Report by Transit Bureau as to Failure of Company to File Tariff Schedules—Letter to Company Authorized

The Secretary presented a report, dated June 28, 1923, by Frank Bennett, Assistant Chief of Transit Bureau, advising that the Concourse Bus Line, Inc., had not filed tariff schedules as required by the Order in Case No. 1676.

Thereupon the Secretary was authorized to write the Concourse Bus Line, Inc., requesting the filing of said tariff schedules at once.

885

Expenses—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$800,000 on Account for Expenses of Year Ending December 31, 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 22, 1923, was ordered filed.

(Cal. No. 326)

Resolved, That the Board of Estimate and Apportionment, in accordance with the requisition of the Transit Commission, dated May 8, 1923, and pursuant to the provisions of chapter 134 of the Laws of 1921, and in compliance with an order of the Appellate Division of the Supreme Court in and for the First Judicial Department, entered on June 16, 1923, hereby authorizes an appropriation of eight hundred thousand dollars (\$800,000) on account, to properly enable the Transit Commission to do and perform or cause to be done and performed for the year ending December 31, 1923, the duties imposed upon the said Commission by the said law, and the Comptroller is hereby authorized, pursuant to law and the said requisition of the Transit Commission, to issue special revenue bonds of The City of New York to an amount not exceeding eight hundred thousand dollars (\$800,000), redeemable from the tax levy of the year next succeeding the year of their issue, the proceeds to be used for the purposes aforesaid.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 22, 1923.

JAMES MATTHEWS,
Assistant Secretary.

886

Street Changes—Certified Copies of Resolutions of Board of Estimate and Apportionment Establishing Roadway and Sidewalk Widths of East 20th Street between Broadway and Fifth Avenue, Borough of Manhattan, and Authorizing Removal of Encroachments—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on June 22, 1923, were ordered filed:

(Cal. No. 182-A)

Resolved, By the Board of Estimate and Apportionment, that the widths of the roadway and sidewalks on East 20th Street, from the west curb line of Broadway to the east curb line of 5th Avenue, Borough of Manhattan, be established as follows: The roadway shall be centrally located and shall have a width of thirty-four (34) feet.

The width of the sidewalks on each side of the roadway shall be thirteen (13) feet; and be it further

Resolved, That all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which interfere with the proper support of the roadway, curb, and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 22, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 182-B)

Whereas, The entire width of East 20th Street, between Broadway and Fifth Avenue, Borough of Manhattan, is required for public purposes, be it

Resolved, By the Board of Estimate and Apportionment that all ordinances, permits or licenses heretofore adopted or granted by The City of New York or by any

body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of East 20th Street between Broadway and 5th Avenue, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 22, 1923.

JAMES MATTHEWS,
Assistant Secretary.

887—R. T. 7648

Agreement "CJ"—Statement as to Execution and Delivery of Original Contract for Construction of Concrete and Steel Highway Bridge Over Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn—Communication from Brooklyn-Manhattan Transit Corporation Accepting Indemnity Bond Deposited by Contractor—Contract and Communication Ordered Filed

The Commission ordered filed an original contract dated June 16, 1923, between the City of New York, acting by the Transit Commission, Brooklyn Manhattan Transit Corporation, successor to the property and franchises of the Brooklyn Rapid Transit Company and Lindley M. Garrison, Receiver, the South Brooklyn Railway Company and M. A. Charles for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, Agreement "CJ," which contract had been executed on behalf of all parties and delivered on June 30, 1923.

A communication was also ordered filed from the Brooklyn-Manhattan Transit Corporation dated June 29, 1923, accepting an original bond in the sum of \$10,000 deposited by the contractor in accordance with Article V of the said contract, indemnifying the Company from loss or injury growing out of the work under contract.

888—R. T. 6994, 7084

Routes Nos. 12 and 31—Notice from Joseph A. Solovei for Variation in Building Zone Resolution Affecting Premises at Northeast Corner of East New York Avenue and Portal Street, Borough of Brooklyn—Report by Real Estate Clerk Recommending Notice Be Filed—Filed

A notice was presented from Joseph A. Solovei, attorney for applicant, Benjamin Dreisler, Jr., on behalf of Alexander M. Graham for a variation from the requirements of the Building Zone Resolution so as to permit the erection and maintenance of a garage on the premises at the northeast corner of East New York Avenue and Portal Street, Borough of Brooklyn, and advising that the application will be heard on July 3, 1923 in Room 919, Municipal Building, New York City.

A report was presented from the Real Estate Clerk dated June 27, 1923, advising that the nearest property under the jurisdiction of the Transit Commission is at some distance from the property affected and stating that the erection of a garage will not injure such property and recommending that the notice be filed.

The papers were ordered filed.

889—R. T. 7520

Route No. 31—Consents of Contractor and Sureties to Resolution Extending Time to May 26, 1923, within which to Complete Contract for Construction of Inspection Shed Enclosure for Eastern Parkway Rapid Transit Railroad, Livonia Avenue Yard—Filed

Consents were ordered filed from Rosenthal Engineering Contracting Co., Inc. and sureties upon the bond deposited by the contractor to the resolution of the Commission adopted on June 21, 1923, extending the time of the contractor to and including May 26, 1923, within which to complete the work for the construction of inspection shed enclosure for the Eastern Parkway Rapid Transit Railroad, Route No. 31.

890—Case 1670

New York Rapid Transit Corporation—Filing of Passenger Tariffs—New Tariff Showing Service and Fares on Rapid Transit Lines—Filed

The Secretary presented a communication, dated June 14, 1923, from H. A. Crowe, General Passenger Agent of the New York Rapid Transit Corporation, transmitting Local and Joint Passenger Tariff No. 1, showing service and fares on the rapid transit lines operated by the company, effective June 15, 1923.

Thereupon the above mentioned papers were ordered filed.

891—Case 2618

The Long Island Railroad Company—Park Lane South Grade Crossing—Communication from Counsel Transmitting Opinion of Appellate Division, Second Department, Affirming Commission's Order—Filed

The Secretary presented a letter, dated June 28, 1923, from Counsel to the Commission, transmitting opinion of the Appellate Division of the Supreme Court, Second Department, unanimously affirming the Commission's Final Order and Determination in Case No. 2618, relative to the Park Lane South elimination over the tracks of The Long Island Railroad Company.

Thereupon the above mentioned papers were ordered filed.

892—Case 2679

Brooklyn Rapid Transit Company—Petition of Reorganization Committee of Stockholders for Approval of Reorganization Plan—Communication from Travis H. Whitney Acknowledging Resolution Nominating Him as Director—Filed

The Secretary presented a communication, dated June 28, 1923, from Travis H. Whitney, acknowledging receipt of Resolution in Case No. 2679, nominating him as a director of the Brooklyn-Manhattan Transit Corporation.

Thereupon the above mentioned communication was ordered filed.

893—Case 2679

Brooklyn Rapid Transit Company—Petition of Reorganization Committee of Stockholders for Approval of Reorganization Plan—Communication from M. B. Hoffman, Assistant Counsel, Transmitting Agreement, Deed and Order, etc.—Filed

The Secretary presented a communication, dated June 27, 1923, from M. B. Hoffman, Assistant Counsel of the New York Rapid Transit Corporation, transmitting the following papers:

1. Agreement of Sale between Purchasers, The Committee and New York Rapid Transit Corporation, dated June 14, 1923.
2. Deed from Purchasers to New York Rapid Transit Corporation, dated June 14, 1923.
3. Form of receipt given by New York Rapid Transit Corporation to Receiver for delivery of property.
4. Decree of confirmation, dated June 7, 1923.

Thereupon the above mentioned papers were ordered filed.

894

Employees' Calendar No. 152

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—John L. Lemke, junior assistant, at \$125.08 per month, to take effect June 28, 1923; Abraham I. Shulman, draftsman, at \$150.08 per month, to take effect June 27, 1923.

Appointment under Rule VIII:10—John J. Rooney, junior clerk, at \$60.00 per month, to take effect July 2, 1923.

Appointment under Rule XVIII—Thomas F. McDonough, chauffeur, at \$30.00 per week, to take effect June 29, 1923.

Resignations—William D. Baer, accountant, at \$173.00 per month, to take effect June 27, 1923; Hyman Needle, junior assistant, at \$125.08 per month, to take effect June 27, 1923; Jacob Simon, junior assistant, at \$125.08 per month, to take effect June 23, 1923.

Leave of Absence without Pay—F. C. Cannon, engineering inspector, from July 1, 1923, to September 30, 1923.

895

Employees—Resolution Designating Sverre Dahm, Engineer of Designs, as Acting Chief Engineer

The following resolution was adopted:

Whereas, The Chief Engineer, Robert Ridgway, has been granted a leave of absence from July 9, 1923 to July 14, 1923, inclusive,

Resolved, That Sverre Dahm, Engineer of Designs, be and hereby is designated as Acting Chief Engineer, said designation to take effect as of July 9, 1923, and to continue during the absence of the said Robert Ridgway.

896

Employees' Calendar No. 153

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Resignation (Exempt)—Richard A. Malone, Stenographer to Commission, at \$200.00 per month, to take effect July 15, 1923.

Voucher Schedule No. 27

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said voucher be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct.

Vouchers Nos. 344-345, miscellaneous bills, \$2,104.17; Vouchers Nos. 11-14, special payroll, \$6,775.00; Voucher No. CM-13, State payroll, \$2,757.40.

Estimate by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 161, Fox, Reynolds Co., Inc.; approximate estimate No. 2 for the completion of Newsstand enclosures at stations of the Municipal Rapid Transit Railroad, under Contracts Nos. 3 and 4, from May 26, 1923 to June 25, 1923 (R. T. 7642) \$1,667.52;

Voucher No. 162, Powers-Kennedy Contracting Corporation; for retained percentage payment in accordance with Certificate No. 2-R under Contract dated April 21, 1922, for the construction of Routes Nos. 35 and 67 (R. T. 7584) \$50,000.00;

Voucher No. 163, Bethlehem Steel Products Co.; final estimate for the supply of special work and other track materials, Order No. 20, for use in the construction of a part of Jerome Avenue Yard, Route No. 16, from June 5, 1922 to June 6, 1923 (R. T. 7470) \$5,977.75;

Voucher No. 164, George Colon & Co.; final estimate for miscellaneous construction and station finish on certain portions of the Rapid Transit Railroad, Agreement "BH," Group I, II and III. (R. T. 7476) \$2,764.89;

Voucher No. 165, Station Finish Corporation, Assignee; approximate estimate No. 11 for the construction of station finish on Sections Nos. 3, 4 and 5 of Route No. 8, from June 1, 1923 to June 30, 1923 (R. T. 7516) \$6,737.57;

Voucher No. 166, Rosenthal Engineering Contracting Company, Inc.; approximate estimate No. 4 for the construction of foundations for third additions to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from May 21, 1923 to June 20, 1923, (R. T. 7589) \$47,646.13.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, July 10, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

898

The Minutes of the Proceedings for the month of April, 1923, were approved.

899—R. T. 7575

Brooklyn Loop Lines—Report by Chief Engineer Recommending Rejection of Bids for Construction of Additional Entrance at Canal Street Station—Resolution Directing Return of Certified Checks to Lowest and Next to Lowest of Bidders

A report by the Chief Engineer dated July 6, 1923, recommending the rejection of all bids received on June 29, 1923, for the construction of additional entrance at the Canal Street Station (Loop Line), was presented.

The following resolution was adopted:

Whereas, Heretofore by resolution adopted June 13, 1923, this Commission approved the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and contract drawings for the construction of additional entrance at the Canal Street Station (Loop Line) of the Broadway-Fourth Avenue Rapid Transit Railroad and pursuant to advertisement duly made, bids were received respectively totalling as follows:

D. C. Serber	\$93,000.00
O'Rourke Engineering Constr. Co.....	99,163.50
Lustig & Weil	104,642.00

; and

Whereas, The Chief Engineer of this Commission by communication dated July 6, 1923 has reported and recommended with respect to the bids so received as follows:

"Our estimate for this work was \$61,751. The lowest bid is therefore about 50% more than our estimate of cost. Due to the bids received being so high, I hesitate to recommend the approval of this contract.

It is very desirable that these additional entrances should be constructed and my recommendation not to approve any of the submitted bids is with the view of readvertising this contract some time in the future when it may be expected that lower bids might be received.

I have discussed this matter with Captain Daggett and he advises that while these entrances are very desirable, he thinks there is no objection to postponing their construction until more reasonable prices may be obtained.

Recommendation:—I therefore respectfully recommend that all bids received on June 29, 1923 for Construction of Additional Entrances at the Canal Street Station (Loop Line) be rejected and that the readvertising for bids be deferred for the present."

Resolved, That said report and recommendation be and the same hereby is approved; that the bids so received be and hereby are in all respects rejected and that the Secretary of this Commission be and hereby is authorized and directed to return the certified checks deposited with said bids and to take proper receipt therefor.

900—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Contract with The Babcock & Wilcox Company for Four Boilers and Three Superheaters for 59th Street Power House—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 18, 1923, requesting approval of a proposed contract with The Babcock & Wilcox Company, for the manufacture, delivery and installation in the 59th Street Power Station of four 1,140 horsepower boilers and three superheaters.

A report was presented from Consulting Engineer, Dr. Charles E. Lucke, and the Chief Engineer dated June 26, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922, the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, The said Interborough Rapid Transit Company by communication dated June 18, 1923 has submitted for the approval of this Commission pursuant to the reso-

lutions aforesaid a proposed contract with the Babcock & Wilcox Co. for the manufacture, delivery and installation in the 59th Street Power House of four 1,140 H.P. Babcock & Wilcox boilers and three Babcock & Wilcox super heaters complete ready for operation at the total cost of \$130,583; and

Whereas, By communication dated June 26, 1923 the Consulting Engineer, Dr. Charles E. Lucke has reported that the bid of Babcock & Wilcox Co. is the lowest of the bids received; that the type of boiler is the most suitable; that the plans and specifications therefor are satisfactory and recommended that the said proposed contract be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated July 2, 1923 has recommended that the work be classified as Additional Equipment for the Railroad under Work Order No. IBA-7 assigned as aforesaid; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That the said reports and recommendations be and the same hereby are approved and that the said proposed contract, together with the plans and specifications made part thereof be and the same hereby are approved and that said Interborough Rapid Transit Company be and hereby is authorized to enter into said proposed contract with Babcock & Wilcox in the form hereby approved.

901—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for Manufacture and Delivery of Two 15 Ft. Cindervane Design No. 1 Induced Draft Centrifugal Blowers for 59th Street Power House—Report by Dr. Charles E. Lucke, Consulting Engineer, Endorsed by Auditor of Rapid Transit Costs Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 18, 1923, requesting approval of a proposed contract with the B. F. Sturtevant Co. for the manufacture and delivery of two 15 ft. Cindervane Design No. 1 Induced Draft Centrifugal Blowers for 59th Street Power House, at a cost of \$16,144.

A report was presented from Dr. Charles E. Lucke, Consulting Engineer, dated June 28, 1923, recommending that the application be approved, which report was endorsed on July 2, 1923, by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922, the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, The said Interborough Rapid Transit Company by communication dated June 18, 1923 has submitted for the approval of this Commission pursuant to resolutions aforesaid a proposed contract with the B. F. Sturtevant Co. for the manufacture and delivery of two 15 ft. Cindervane Design No. 1 induced Draft Centrifugal Blowers at a total cost of \$16,144 F.O.B. 59th Street Power House, New York City; and

Whereas, By communication dated June 28, 1923 the Consulting Engineer, Dr. Charles E. Lucke, has reported that the report of the bid of the B. F. Sturtevant Co. is the lowest of the bids received; that the type of blower is the most suitable to conform with the proposed new equipment of the Interborough Rapid Transit Company in the 59th Street Power House; that the plans and specifications therefor are satisfactory and recommend that the said proposed contract be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated July 2, 1923, has recommended that the work be classified as Additional Equipment for the Railroad under Work Order No. IBA-7 assigned as aforesaid; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That the said reports and recommendations be and the same hereby are approved and that the said proposed contract, together with the plans and specifications made part thereof be and the same hereby are approved and that said Interborough Rapid Transit Company be and hereby is authorized to enter into said proposed contract with B. F. Sturtevant Co. in the form hereby approved.

902—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for the Manufacture and Delivery of Two Forced Draft Centrifugal Blowers for 59th Street Power House—Report by Consulting Engineer, Endorsed by Auditor of Rapid Transit Costs, Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 18, 1923, requesting approval of a proposed contract with the B. F. Sturtevant Co. for the manufacture and delivery of two forced draft centrifugal blowers for the 59th Street Power House at a cost of \$5,786.

A report was presented from Dr. Charles E. Lucke, Consulting Engineer, dated June 29, 1923, recommending that the application be approved, which report was endorsed on July 6, 1923, by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922 the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, The said Interborough Rapid Transit Company by communication dated June 18, 1923 has submitted for the approval of this Commission pursuant to the resolutions aforesaid a proposed contract with B. F. Sturtevant Co. for the manufacture and delivery of two forced draft centrifugal blowers for the 59th Street Power House at a total cost of \$5,786; and

Whereas, By communication dated June 29, 1923 the consulting engineer, Dr. Charles E. Lucke, has reported that considering the suitability of apparatus and the conditions under which the required blowers are to operate and the space available for their installation the bid of B. F. Sturtevant is the lowest received for such material; that such apparatus is necessary in connection with the new boilers to be installed in the 59th Street Power House in order to furnish force draft to the boilers and recommends that the said proposed contract so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated July 6, 1923 has recommended that the work under said proposed contract be classified as Additional Equipment for the Railroad under Work Order No. IBA-7 heretofore assigned as aforesaid; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That the said reports and recommendations be and the same hereby are approved and that the said proposed contract, together with the plans and specifica-

tions made part thereof be and the same hereby are approved and that the said Interborough Rapid Transit Company be and hereby is authorized to enter into said proposed contract with B. F. Sturtevant Company.

903

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order on Shepard Electric Crane and Hoist Company for Apparatus Necessary in the 148th Street Shop—Report by Engineer of Equipment and Operation and Chief Engineer, Endorsed by Auditor of Rapid Transit Costs, Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 18, 1923, requesting approval of a proposed purchasing agent's order on Shepard Electric Crane and Hoist Company for apparatus necessary in the 148th Street Yard at the cost of \$2,525.00.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer dated June 30, 1923, recommending that application be approved, which report was endorsed on July 6, 1923, by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3 said Interborough Rapid Transit Company has by communication dated June 21, 1923 submitted for the approval of this Commission proposed purchasing agent's order dated June 21, 1923 directed to Shepard Electric Crane and Hoist Company for the following:

1—Hoist, 600 volt, D. C. Monorail type, electric cage control with double monorail trolley, form No. 24, maximum lift 20 feet, class AB, capacity 4 tons, with the following special equipment:

1. Resistance mounted on back of cage
2. Special grounded circuit with voltage fluctuations from 600 to 650
3. Special conductor location

To be as per proposal of Shepard Electric Crane and Hoist Company No. H-3110.

Price: \$2,525.00.

Shipment: Ten weeks from date of order.

NOTE—No other bids were secured as our Car Equipment Department prefers this type hoist due to the very satisfactory service given by a similar hoist now in operation, which was purchased from the Shepard Electric Crane and Hoist Company.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 489"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated June 30, 1923, reported that such apparatus is necessary in the 148th Street shop of the Railroad, as defined in Contract No. 3 because of the large volume of maintenance work carried on at said shop; that the cost is reasonable; that the similar hoists already installed in said shop have proven satisfactory and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated June 6, 1923 has recommended that such material be classified as Equipment of the Railroad.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form or approval of this Commission made part of said pro-

posed purchasing agent's order, such approval being upon condition that the material to be procured by said proposed purchasing agent's order shall be classified as Equipment of the Railroad.

904—R. T. 7457

Route No. 18—Application by Rosenthal Engineering Contracting Company, Inc., for Approval of Assignment to First National Bank of Moneys Due or to Grow Due Under Contract for Construction of Inspection Shed Enclosure at 180th Street Yard—Approval Resolution

An application was presented from the Rosenthal Engineering Contracting Company, Inc. dated July 6, 1923, requesting approval of a proposed assignment to the First National Bank of moneys due or to grow due from the City of New York in connection with the contract dated June 26, 1922, for the construction of an inspection shed enclosure in the 180th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18.

The following resolution was adopted:

Whereas, On or about the 26th day of June, 1922, The City of New York, acting by the Transit Commission entered into a contract with Rosenthal Engineering Contracting Company, Inc., for construction of the inspection shed enclosure in the 180th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18, Borough of The Bronx; and

Whereas, Said Rosenthal Engineering Contracting Company, Inc. have submitted to the Transit Commission a proposed assignment dated the 6th day of July, 1923, assigning sixteen thousand, two hundred thirty-seven dollars and seventy-five cents (\$16,237.75) moneys due and to grow due under or on account of said contract to the First National Bank of Brooklyn and in accordance with the provisions of said contract and the requirements of law have requested this Commission to consent to said proposed assignment,

Resolved, That said assignment aforesaid now submitted to the Transit Commission be and the same hereby is approved subject to the terms and conditions in said contract contained and upon the conditions following:

First: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no way defeat or impair such rights and remedies as subcontractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no respect affect the rights of The City of New York or of the Transit Commission or of any Board, Officer, agent or employee acting for or on behalf of The City of New York or the Transit Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York and the Transit Commission to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: The consent of the Transit Commission to said assignment herein given shall take effect if, when and only when the sureties upon the bond deposited as security for the faithful performance on the part of the contractor of its obligations under said contract shall consent in writing to said assignment and the conditions of this resolution in form to be approved by Counsel to the Commission and further until the assignee under said assignment, the First National Bank of Brooklyn shall consent and accept the terms and conditions of this resolution, in form to be approved by Counsel to this Commission.

905—R. T. 7589

Contract No. 3—Application by Rosenthal Engineering Contracting Company, Inc., for Approval of Assignment to First National Bank of Moneys Due or to Grow Due Under Contract for Construction of Foundations for Third Addition to Shops—Approval Resolution

An application was presented from the Rosenthal Engineering Contracting Company, Inc., dated July 6, 1923, requesting approval of a proposed assignment to the First National Bank of moneys due or to grow due from the City of New York in connection with the contract dated December 26, 1922, for the construction of foundations for third addition to shops at the Lenox Avenue and 148th Street Yard in the Borough of Manhattan.

The following resolution was adopted:

Whereas, On or about the 26th day of December, 1922, The City of New York, acting by the Transit Commission, entered into a contract with Rosenthal Engineering Contracting Company, Inc., for construction of foundations for third addition to shops at the Lenox Avenue and 148th Street Yard in the Borough of Manhattan, City of New York; and

Whereas, Said Rosenthal Engineering Contracting Company, Inc., has submitted to the Transit Commission a proposed assignment dated the 6th day of July, 1923, assigning forty-seven thousand, six hundred forty-six dollars and thirteen cents (\$47,646.13) moneys due and to grow due under or on account of said contract to the First National Bank of Brooklyn and in accordance with the provisions of said contract and the requirements of law have requested this Commission to consent to said proposed assignment,

Resolved, That said assignment aforesaid now submitted to the Transit Commission be and the same hereby is approved subject to the terms and conditions in said contract contained and upon the conditions following:

First: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no way defeat or impair such rights and remedies as subcontractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no respect affect the rights of The City of New York or of the Transit Commission or of any Board, Officer, agent or employee acting for or on behalf of The City of New York or the Transit Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York and the Transit Commission to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: The Consent of the Transit Commission to said assignment herein given shall take effect if, when and only when the sureties upon the bond deposited as security for the faithful performance on the part of the contractor of its obligations under said contract shall consent in writing to said assignment and the conditions of this resolution in form to be approved by Counsel to the Commission and further until the assignee under said assignment, The First National Bank of Brooklyn shall consent and accept the terms and conditions of this resolution, in form to be approved by Counsel to this Commission.

906—R. T. 7520

Route No. 31—Application by Rosenthal Engineering Contracting Company, Inc., for Approval of Assignment to First National Bank of Brooklyn of Moneys Due or to Become Due Under Contract for Construction of Inspection Shed Enclosure, Livonia Avenue Yard—Approval Resolution

An application was presented from the Rosenthal Engineering Contracting Company, Inc., dated July 6, 1923, requesting approval of a proposed assignment to the First National Bank of Brooklyn of moneys due or to become due from The City of New York in connection with the contract dated February 17, 1923, for the construction of inspection shed enclosure in the Livonia Avenue Yard, Borough of Brooklyn.

The following resolution was adopted:

Whereas, On or about the 17th day of February, 1922, The City of New York, acting by the Transit Commission, entered into a contract with Rosenthal Engineering Contracting Company, Inc., for the construction of inspection shed enclosure in the Livonia Avenue Yard of the Eastern Parkway Rapid Transit Railroad (Route No. 31) in the Borough of Brooklyn, City of New York; and

Whereas, Said Rosenthal Engineering Contracting Company, Inc., has submitted to the Transit Commission a proposed assignment dated the 6th day of July, 1923, assigning nineteen thousand sixty-seven dollars and twenty-four cents (\$19,067.24) moneys due and to grow due under or on account of said contract to the First National Bank of Brooklyn and in accordance with the provisions of said contract and the requirements of law have requested this Commission to consent to said proposed assignment.

Resolved, That said assignment aforesaid now submitted to the Transit Commission be and the same hereby is approved subject to the terms and conditions in said contract contained and upon the conditions following:

First: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no way defeat or impair such rights and remedies as subcontractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or service performed or material furnished if said assignment had never been made, such right and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no respect affect the rights of The City of New York or of the Transit Commission or of any Board, Officer, agent or employee acting for or on behalf of The City of New York or the Transit Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York and the Transit Commission to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: The consent of the Transit Commission to said assignment herein given shall take effect if, when and only when the sureties upon the bond deposited as security for the faithful performance on the part of the contractor of its obligations under said contract shall consent in writing to said assignment and the conditions of this resolution in form to be approved by Counsel to the Commission and further until the assignee under said assignment, the First National Bank of Brooklyn, shall consent and accept the terms and conditions of this resolution in form to be approved by Counsel to this Commission.

907—R. T. 7457

Route No. 18—Application by Rosenthal Engineering Contracting Company, Inc., for Approval of Assignment to First National Bank of Brooklyn of Moneys Due and to Grow Due Under Contract for Construction of Inspection Shed Enclosure, 180th Street Yard—Approval Resolution

An application was presented from the Rosenthal Engineering Contracting Company, Inc. dated July 9, 1923, requesting approval of a proposed assignment to the First National Bank of Brooklyn of \$19,164.96, moneys due or to grow due from The City of New York in connection with the contract dated June 26, 1922, for the construction of inspection shed enclosure in the 180th Street Yard, White Plains Road Line, Route No. 18.

The following resolution was adopted:

Whereas, On or about the 26th day of June, 1922, The City of New York, acting by the Transit Commission, entered into a contract with Rosenthal Engineering Contracting Company, Inc., for construction of inspection shed enclosure in the 180th Street Yard of the White Plains Road Rapid Transit Railroad, (Route No. 18) in the Borough of The Bronx, City of New York; and

Whereas, Said Rosenthal Engineering Contracting Company, Inc., has submitted to the Transit Commission a proposed assignment dated the 9th day of July, 1923, assigning nineteen thousand, one hundred sixty-four dollars and ninety-six cents (\$19,164.96) moneys due or to grow due under or on account of said contract to the First National Bank of Brooklyn and in accordance with the provisions of said contract and the requirements of law have requested this Commission to consent to said proposed assignment;

Resolved, That said assignment aforesaid now submitted to the Transit Commission be and the same hereby is approved subject to the terms and conditions in said contract contained and upon the conditions following;

First: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no way defeat or impair such rights and remedies as sub-contractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no respect affect the rights of The City of New York or of the Transit Commission or of any Board, Officer, agent or employee acting for or on behalf of The City of New York or the Transit Commission to deduct, reserve, retain, withhold, apply use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York and the Transit Commission to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: The consent of the Transit Commission to said assignment herein given shall take effect if, when and only when the sureties upon the bond deposited as security for the faithful performance on the part of the contractor of its obligations under said contract shall consent in writing to said assignment and the conditions of this resolution in form to be approved by Counsel to the Commission and further until the assignee under said assignment, the First National Bank of Brooklyn shall consent and accept the terms and conditions of this resolution, in form to be approved by Counsel to this Commission.

908—R. T. 7118

Contract No. 3—Proposed Communication to District Engineer, U. S. Army, Requesting Approval of Permit and Plan for Construction of Solid Bulkhead on West Bank of Harlem River between 145th and 150th Streets—Approved

Upon motion, duly seconded and adopted, the Commission approved a proposed communication by the Secretary, to Col. J. R. Slattery, District Engineer, U. S. Army, requesting approval of a permit and plans for the construction of a solid bulkhead on the west bank of the Harlem River between 145th and 150th Streets, outside of the present theoretical bulkhead line.

909—R. T. 6595

Contract No. 4—Statement from New York Consolidated Railroad Company of Results of Operation for Month of May, 1923, and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

A communication dated July 5, 1923, from the New York Consolidated Railroad Company, by Howard Abel, Comptroller for Lindley M. Garrison, Receiver, submitting statement of Results of Operation for the month of May, 1923, for the period from August 4, 1913 to May 31, 1923, and the status of the Maintenance and Depreciation Funds, under Contract No. 4, was referred to the Chief Accountant.

910—R. T. 6650, 7515

Contract No. 1—Petition from Columbus Circle League Requesting that Local Station Upon Interborough Subway Line at Broadway and 59th Street Be Reconstructed as Express Station—Denied

A petition dated June 12, 1923, from the Columbus Circle League by David Robinson, Chairman, requesting that the local station upon the Interborough Subway at 59th Street and Broadway be reconstructed as an express station, was presented and on motion duly seconded the said petition was denied.

911—R. T. 7177

Contract No. 3—Corona Yard—Communication from Secretary to Queens Subway Apartment and Loft Building Corporation Apprising Said Corporation of Action of Board of Estimate and Apportionment in Relation to Purchase Price of Fill on Yard and Requesting that Corporation Either Accept and Modify Price or Remove Fill in Accordance with Court Decree—Communication Approved

The Commission, upon motion duly seconded, approved a communication by the Secretary dated July 3, 1923, to the Queens Subway Apartment and Loft Building Corporation apprising of the action of the Board of Estimate and Apportionment on June 29, 1923, denying a request for approval of a price of 30c per cubic yard for excess fill on the site of the Corona Storage Yard, Contract No. 3, and informing the said Queens Subway Apartment and Loft Building Corporation that the City of New York is willing to pay a price not to exceed 10c per cubic yard for said excess fill and further informing the said Queens Subway Apartment and Loft Building Corpora-

tion that if it is not prepared to accept such price of 10c per cubic yard that the said corporation should proceed immediately to remove excess fill on the yard site as permitted by court decree.

912—R. T. 7675

Contract No. 1—Application by William P. O’Ryan Requesting Addition of Words “Manhattan College” to Present Name of Station at 242nd Street, Van Cortlandt Park—Referred to Commissioner O’Ryan

An application by William P. O’Ryan, Esq., requesting that the words “Manhattan College” be added to the present designation of the terminal station at 242nd Street, Van Cortlandt Park, Broadway-Seventh Avenue Line, was referred to Commissioner O’Ryan.

913—R. T. 6080

Route No. 39—Application by John E. Wenzel, Inc., for Permission to Occupy Vacant Triangular Plot of Ground Bounded by the Easterly Side of New Utrecht Avenue as Extended from 81st to 86th Streets, the Right of Way of the Nassau Electric Railroad and the Land Now or Formerly of Cropsey, in the Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from John E. Wenzel, Inc. dated July 2, 1923, requesting permission to occupy the vacant triangular plot of ground bounded by the easterly side of New Utrecht Avenue as extended from 81st to 86th Streets, the right of way of the Nassau Electric Railroad and the land now or formerly of Cropsey, in the Borough of Brooklyn, for the purpose of manufacturing concrete building blocks, at a rental of \$15.00 per month beginning July 1, 1923 and \$25.00 per month beginning December 1, 1923.

A report was presented from the Real Estate Clerk dated July 7, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, John E. Wenzel, Inc., a domestic corporation of the State of New York, having its main place of business at No. 1762-73rd St., Brooklyn, N. Y., has under date of July 2, 1923, made application for permission to occupy the vacant triangular plot of ground bounded by the easterly side of New Utrecht Avenue as extended from 81st to 86th Streets, the right of way of the Nassau Electric Railroad and the land now or formerly of Cropsey, in the Borough of Brooklyn, for the purpose of manufacturing concrete building blocks, agreeing to pay rent at the rate of \$15.00 per month beginning July 1, 1923, and \$25.00 per month beginning December 1, 1923; to deposit \$25.00 as rental for the last month of occupancy and to vacate on fifteen (15) days’ notice; the said application containing other terms similar to those usually governing like concessions; and

Whereas, The Real Estate Clerk, under date of July 7, 1923, has reported upon this application, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission thereon.

914—Gen. 1753

Manhattan Elevated Railway—Communication from Hon. Julius Miller, President, Borough of Manhattan, Requesting Designation of Representative to Confer on Removal and Relocation of Elevated Columns of Sixth Avenue Line in Vicinity of 34th Street and 42nd Street—Reply Approved

A communication was presented from Hon. Julius Miller, President Borough of Manhattan, dated July 3, 1923, suggesting the designation of someone to take part in the negotiations with the Interborough Rapid Transit Company to bring about the necessary changes for the relocation of elevated columns of the Sixth Avenue Line between 30th and 35th Streets and 35th and 42nd Streets.

The following reply was approved:

July 10, 1923

Hon. JULIUS MILLER,
President, Borough of Manhattan,
Municipal Building, New York.
Dear Sir:

Chairman McAneny asks me to acknowledge your letter of July 3rd, calling attention to the action of your office in suggesting to the Interborough Rapid Transit Company the preparation of plans and estimates of cost for changing the Sixth Avenue Elevated structure between 30th and 35th Streets and 35th and 42nd streets, and asking that the Transit Commission designate someone to participate in the negotiations.

Your letter was placed before the Commission at its meeting today and Mr. Robert Ridgway, Chief Engineer, and Mr. William G. Fullen, Assistant Counsel, were designated to co-operate with you and the Interborough Rapid Transit Company in the negotiations, preparation of plans, etc., for the proposed improvement.

Very truly yours,

JAMES B. WALKER,
Secretary.

915—R. T. 6989

Route No. 18—Report by Acting Chief Engineer Recommending Approval of Agreement between The City of New York and Interborough Rapid Transit Company, as Contractor, for Installation of Tracks and Other Miscellaneous Work in the 180th Street Yard—Approval Resolution—Requisition Upon Board of Estimate and Apportionment for Appropriation of \$24,500

A report from the Acting Chief Engineer, dated July 9, 1923, recommending approval of a proposed agreement between The City of New York, acting by this Commission, and Interborough Rapid Transit Company, as Contractor, for the installation of tracks and other miscellaneous work in the 180th Street Yard, White Plains Road Line, Route No. 18, was presented.

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission a proposed contract between The City of New York acting by the Transit Commission and Interborough Rapid Transit Company to be entered into pursuant to the provisions of the Rapid Transit Act as amended by Chapter 625 of the Laws of 1917 for the installation of additional tracks and other miscellaneous work in the 180th Street Yard of the White Plains Road Line of the Railroad as described in the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3, the estimated cost of such work under said proposed contract being \$24,500, the necessity for such agreement being set forth in the report of the Acting Chief Engineer of this Commission dated July 9, 1923,

Resolved, That said proposed agreement be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment, together with a requisition for the appropriation of the estimated cost to the City of carrying out

[July 10, 1923]

said proposed contract and the consent of said Board thereto in the form now submitted by Counsel.

The requisition upon the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

July 10, 1923.

**BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK,**

Gentlemen:

The Transit Commission pursuant to the authority vested in it by Chapter 134 of the Laws of 1921 transmits herewith for the consent of your Honorable Board a proposed agreement between The City of New York, acting by the Transit Commission and Interborough Rapid Transit Company, to be entered into pursuant to the provisions of the Rapid Transit Act as amended by Chapter 625 of the Laws of 1917, for the installation of tracks and other miscellaneous work in the 180th Street Yard of the White Plains Road Line of the Railroad described in the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, together with a requisition upon your Honorable Board for the appropriation of the sum of Twenty-four thousand, Five hundred (\$24,500) Dollars, being the estimated cost to the City of carrying out said proposed agreement.

The Acting Chief Engineer of this Commission in a communication dated July 9, 1923 reports with respect to said proposed agreement as follows:

"This agreement provides for the removal of the present temporary inspection shed and the installation of two switchback tracks in place of two of the present temporary pit tracks, thereby providing suitable switching tracks and an adequate connection between the present operated tracks and the permanent inspection shed, which is now rapidly nearing completion. In view of the fact that the work to be performed under this agreement is on or about operated tracks, it is advisable that the work be done by the operating company. While the work contemplated will not complete the track work in the yard, it will cover the most difficult and hazardous portion, after the completion of which the remaining work can, if deemed advisable, be done by an outside contractor.

As improved facilities in the 180th Street Yard are urgently needed by the operating company and as the last meeting of the Board of Estimate and Apportionment before the summer recess, will be held on July 13th, it is very necessary that prompt action be taken to have this agreement approved.

Our approximate estimate of the cost of the work to be done under this agreement, exclusive of the materials which the city will furnish and the cost of equipment which will be provided by the operating company, is \$24,500."

Your Board is therefore requested to consent to said proposed agreement herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Twenty-four thousand, Five hundred (\$24,500) Dollars and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Twenty-four Thousand, Five hundred (\$24,500) Dollars.

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out said Contract No. 3 and the appropriations made by your Honorable Board in consequence thereof.

TRANSIT COMMISSION,

By GEORGE McANENY,
Chairman.

916—R. T. 6407

Contract No. 3, Route No. 52—Communication from President of Interborough Rapid Transit Company Relating to Notice by Commission to Said Company of Determination to Construct the Flushing Extension as an Addition to the Queensboro Subway Rapid Transit Railroad, Contract No. 3, and Requesting Statement by Commission as to Effect of Company's Proposed Acquiescence in such Addition in Respect of Company's Deductions for Interest Upon Cost of Additional Equipment Required for Operation of Said Extension—Report by Counsel and Proposed Communication by Secretary Addressed to President of Interborough Rapid Transit Company—Approved

The Commission took under consideration a communication from the President of the Interborough Rapid Transit Company dated July 5, 1923, relating to the notice given by the Commission on March 13, 1923, of its determination to add the Flushing Extension, Route No. 52, to Queensboro Subway Rapid Transit Railroad of the Railroad described in Contract No. 3, said communication from the President of the Interborough Rapid Transit Company requesting a statement of the views of the Commission as to the effect of such acquiescence on the part of said Company in respect of the deductions to be made by it for interest upon cost of Additional Equipment required for operation of said extension.

The above mentioned communication was in the following form:

July 5, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Dear Sirs:

In the matter of your communication of March 13, 1923, notifying this Company of your determination to construct the so-called Flushing Extension, as I advised you in my letter of June 11, 1923, it is the desire of this Company to acquiesce in the Addition of such Extension, but before doing so we would like to know whether or not your Commission concurs in our views as to the effect of such acquiescence in respect of the deductions to be made by this Company for interest upon the cost of the Additional Equipment required. Article LXXII of Contract No. 3 provides that

"If the Lessee acquiesces in the Addition of such Extension it shall * * * maintain and operate it as a component part of the Railroad * * * in the same manner and to the same extent * * * as if such Extension were described in Chapter II of Part First of this Contract * * * paying the City rental therefor as provided in Articles XLIX and X."

If the Company acquiesces, the only provisions under which it can deduct interest upon the cost of the Additional Equipment necessitated because of the construction of the Extension, are subdivisions 7 and 8 of Article XLIX.

Subdivision 7 provides for a deduction of six per cent of the cost of Equipment of the Railroad for initial operation. The expression "Equipment for Initial Operation" is defined to mean the "Equipment provided for the initial operation of the Railroad costing twenty-two million (\$22,000,000) dollars * * *" (Subd. 15, Art. II).

The word "Additions" is defined to mean, among other things, "such Equipment as is provided for initial operation and which shall cost in excess of" \$22,000,000 (Subd. 16, Art. II). It is further provided in this same subdivision that "the expression 'Additional Equipment' shall be deemed to be synonymous with Additions when Additions is used in respect of Equipment of Existing Equipment." As the Company has already provided Equipment costing in excess of \$22,000,000, it is quite manifest that subdivision 7 of Article XLIX cannot apply.

Subdivision 8 of Article XLIX provides that when the Company "shall provide Additional Equipment (except Additional Equipment belonging to the Extension),"

[July 10, 1923

then the Company may retain an amount "equal to the annual interest payable by the Lessee," that is, actual interest, unless it does not borrow money for such purpose, in which case it retains interest at the average rate payable by it on its long term securities. Seemingly the parenthetical matter "(except Additional Equipment belonging to the Extension)" creates a doubt as to whether the Company, if it acquiesces in the addition of the Extension, is entitled to deduct interest upon the cost of the Additional Equipment under and as provided in this subdivision. If the Company does not acquiesce then under Article LXXII it is permitted to deduct actual interest upon the cost of the Equipment provided for the Extension, the language providing for such deduction being practically identical with that of subdivision 8 of Article XLIX. Surely it is neither the intent nor the spirit of the contract that the Company shall be entitled to less if it acquiesces.

It is the view of this Company that under the language of Article LXXII if the Company "acquiesces in the Addition of such Extension, it shall * * * maintain and operate it as a component part of the Railroad * * * in the same manner and to the same extent * * * as if such Extension were described in Chapter II of Part First of this contract," the new or added line does not become an Extension for the purposes of operation, but becomes part and parcel of the Railroad as though originally described in Chapter II of Part First of the contract, and that, consequently the Additional Equipment provided therefore is not Additional Equipment belonging to an Extension within the intent of the parenthetical matter of subdivision 8 of Article XLIX, but is Additional Equipment belonging to the Railroad, the same as Equipment provided for initial operation costing in excess of \$22,000,000. and is, therefore, subject to the deductions stipulated in subdivision 8 of Article XLIX.

Please advise me whether or not your Commission concurs in this view.

Yours very truly,

FRANK HEDLEY,

President and General Manager.

The Commission also took under consideration a report by Counsel dated July 10, 1923, recommending concurrence by the Commission in the views as expressed by the President of the Interborough Company in his communication, above presented, subject to the understanding that such views conform to the provisions of Article LXXII of Contract No. 3 and subject also to the understanding that the Commission deems the additional equipment to be used in the operation of said extension to be in the same category as Additional Equipment for the Railroad in addition to that necessary for initial operation irrespective of any financial limitation in Contract No. 3.

The above mentioned report by Counsel was thereupon approved in the following form:

July 10, 1923.

To: TRANSIT COMMISSION

Under date of March 13, 1923 the Transit Commission, pursuant to the provisions of Article LXXII of the contract dated March 19, 1913, between The City of New York and the Interborough Rapid Transit Company, known as Contract No. 3, notified said Interborough Rapid Transit Company as Lessee under said contract of the intention of the Commission to add the Flushing Extension to the Corona branch of the Queensboro Subway Line of the Railroad as described in said Contract No. 3, and requested said Lessee to notify the Commission within the prescribed contractual period as to whether it acquiesced in the addition of such extension.

The Lessee was required to inform the Commission in writing within three months after the receipt of such notice, but by action of the Commission taken on June 13, 1923, such time was extended by stipulation to and including July 14, 1923.

Counsel to the Commission has been in communication with Counsel to the company relative to the interpretation of various provisions of Contract No. 3 pertaining to the matter of Extensions and particularly the effect of the provisions of said contract in the event of acquiescence by the Lessee in the making of any Extension.

If the Lessee refuses to acquiesce in the making of any Extension, contractually there is set up a method of accounting wherein the Lessee is granted the right to actual

interest and sinking fund on the money invested in the Extension. On the other hand, reading Subdivision 8 of Article XLIX where it is provided,

"when the Lessee shall provide Additional Equipment (except Additional Equipment belonging to the Extension), then an amount to be retained by the Lessee equal to one-quarter of the actual interest * * * *"

there is created a doubt as to just what the actual deduction upon the money invested in Additional Equipment in an Extension, to which the company has acquiesced, should be. However, the whole contract and particularly the portions of it relative to Extensions indicates both in letter and spirit, the purpose of affording to the company a position if it acquiesces equally as good as, if not better, than if it refuses to acquiesce in the making of an Extension.

Article LXXII of the contract provides "If the Lessee acquiesces in the addition of such Extension it shall, upon the requirement of the Commission, forthwith equip such Extension and maintain and operate it as a component part of the Railroad or the Existing Railroads in the same manner and to the same extent, except for purposes of termination, as if such Extensions were described in Chapter II of Part First of this contract or as though it formed part of the Existing Railroads, paying the City rental therefor, as provided in Article XLIX and L."

I transmit herewith a letter dated July 5, 1923, addressed to the Commission by Frank Hedley, President and General Manager of Interborough Rapid Transit Company, wherein it is stated that if the company acquiesces in the Extension, "the new or added line does not become an Extension for the purpose of operation, but becomes part and parcel of the Railroad as though originally described in Chapter II of Part First of the contract, and that, consequently the Additional Equipment provided therefor is not Additional Equipment belong to an Extension within the intent of the parenthetical matter of subdivision 8 of Article XLIX, but is Additional Equipment belonging to the Railroad, the same as Equipment provided for initial operation costing in excess of \$22,000,000 and is, therefore, subject to the deductions stipulated in Subdivision 8 of Article XLIX.

In that conclusion I concur. The Auditor of Rapid Transit Costs in a communication dated June 22, 1923 has advised with respect to the subject of this letter, as follows:

"I have your memorandum of June 21st, transmitting a copy of memorandum submitted to you by Mr. Watson, Assistant Counsel of Interborough Rapid Transit Company, relative to the provision of Contract No. 3 in respect of the acquiescence or non-acquiescence of the Lessee under that contract in the making of the so-called Flushing Extension to the railroad.

IF THE LESSEE ACQUIESCES

..... 'If the Lessee acquiesces in the addition of such Extension, it shall, upon the requirement of the Commission, forthwith equip such Extension and maintain and operate it as a component part of the Railroad or the Existing Railroads in the same manner and to the same extent, except for purposes of termination, as if such Extension were described in Chapter II of Part First of this contract or as though it formed part of the Existing Railroads, paying the City rental therefor as provided in Articles XLIX and L.' (Article LXXII.)

IF THE LESSEE SHALL NOT ACQUIESCE

..... 'If the Lessee shall not acquiesce in the addition of such Extension, it shall nevertheless upon the direction of the Commission forthwith equip such Extension and Operate it as a component part of the Railroad or the Existing Railroads but upon the following basis, to wit:..... (The basis is given in detail in this article) (Article LXXII)

I agree with Mr. Watson's conclusions as to deductions from revenue. I think, however, that the conclusions arrived at by argument are self-evident from a reading of the contract, and that it is unnecessary to substitute Mr. Watson's paraphrase for the wording of the contract."

I accordingly recommend that the Commission concur in the views expressed in Mr. Hedley's letter as to the effect of the acquiescence by the Lessee under Contract No. 3 in the Flushing Extension and that a communication of such concurrence be transmitted in somewhat the following form:

[July 10. 1923]

FRANK HEDLEY, Esq., Pres. & Gen. Mgr.
Interborough Rapid Transit Company
165 Broadway
New York City.
Dear Sir:

The Commission is in receipt of your communication dated July 5, 1923, referring to a letter of this Commission dated March 13, 1923, notifying your company of the determination to construct the so-called Flushing Extension and requesting the contractual notice from your company as Lessee under Contract No. 3 as to whether it acquiesces or not, in the Extension referred to, and particularly has considered the views therein expressed as to the interpretation of the various provisions of Contract No. 3 pertaining to an acquiescence by your company in the addition of such Extension.

The Commission advises you that it concurs in such views with the understanding that it conforms to the provisions of Article LXXII of Contract No. 3 and particularly to the exception therein contained, that it does not apply for purposes of termination and with the further understanding that Additional Equipment for the Extension as used in your letter is understood to be in the same category as Additional Equipment for the Railroad in addition to that necessary for initial operation irrespective of any financial limitation in Contract No. 3.

WILLIAM G. FULLEN,
Assistant Counsel.
Approved: GEORGE O. REDINGTON,
Counsel.

The Commission thereupon approved the following communication to be transmitted by the Secretary to the Interborough Company:

July 10, 1923.

FRANK HEDLEY, Esq.,
President & General Manager
Interborough Rapid Transit Company,
165 Broadway, New York City.
Dear Sir:

The Commission is in receipt of your communication dated July 5, 1923, referring to a letter of this Commission dated March 13, 1923, notifying your company of the determination to construct the so-called Flushing Extension and requesting the contractual notice from your company as Lessee under Contract No. 3 as to whether it acquiesces or not, in the Extension referred to, and particularly has considered the views therein expressed as to the interpretation of the various provisions of Contract No. 3 pertaining to an acquiescence by your company in the addition of such Extension.

The Commission advises you that it concurs in such views with the understanding that such views conform to the provisions of Article LXXII of Contract No. 3 and particularly to the exception therein contained, in that your letter does not apply for purposes of termination. This Commission deems the Additional Equipment for the Extension as used in your letter to be in the same category as Additional Equipment for the Railroad in addition to that necessary for initial operation irrespective of any financial limitation in Contract No. 3.

Very truly yours,
JAMES B. WALKER,
Secretary.

917—R. T. 7591

Route No. 70-A—Resolution Extending Time to Board of Estimate and Apportionment for Consideration of Route and General Plan for Proposed Rapid Transit Railroad in the Boroughs of Queens and Brooklyn Known as Jackson Avenue, Newtown Creek and Manhattan Avenue Route—Approval Resolution

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Boroughs of Queens

and Brooklyn in the City of New York, known as the Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time expires on August 1, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said committees,

Resolved, That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended sixty (60) days from August 1st, 1923.

918—R. T. 7591

Route No. 70-C—Resolution Extending Time to Board of Estimate and Apportionment for Consideration of Route and General Plan for Proposed Rapid Transit Railroad in the Borough of Brooklyn Known as Bedford Avenue, Fulton Street and Livingston Street Route—Approval Resolution

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn in the City of New York, known as the Bedford Avenue, Fulton Street and Livingston Street Route, Route No. 70-C, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time expires on August 1, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said committees,

Resolved, That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment, in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended sixty (60) days from August 1, 1923.

919—R. T. 7591

Route No. 70-D—Resolution Extending Time to Board of Estimate and Apportionment for Consideration of Route and General Plan for Proposed Rapid Transit Railroad in the Borough of Brooklyn Known as Bedford Avenue-Brighton Beach Railway Connection—Approval Resolution

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn in the City of New York, known as the Bedford Avenue-Brighton Beach Railway Connection, Route No. 70-D, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time expires on August 1, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said committees,

Resolved, That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment, in accordance

with the provisions of the Rapid Transit Act, be and the same hereby is extended sixty (60) days from August 1, 1923.

920—R. T. 7660

Route No. 78—Resolution Extending Time to Board of Estimate and Apportionment for Consideration of Route and General Plan for Proposed Rapid Transit Railroad in the Borough of Manhattan Known as Central Park West, Manhattan Avenue and St. Nicholas Avenue Route—Approval Resolution

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Borough of Manhattan in the City of New York, known as the Central Park West, Manhattan Avenue and St. Nicholas Avenue Route, Route No. 78, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time expires on August 1, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said committees,

Resolved, That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended sixty (60) days from August 1st, 1923.

921—Case 2436

Railroad Corporations—Authorizations of Changes in Physical Property—Abrogating Order Adopted

The Secretary presented a report, dated June 28, 1923, by the Electrical Engineer of the Commission, approved by the Engineer of Equipment and Operation, advising that the work of the capitalization squad had been discontinued and stating that the reports of authorizations and authorities were not necessary to the work of the Bureau of Accounts and Valuations and recommending the rescission of the Filing Order in Case No. 2436.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2436, abrogating the Final Order therein adopted November 28, 1919.

922—Case 2682

The Long Island Railroad Company—Application of the City of New York for Determination as to Manner in which Two Bridges Carrying Main Drive in Forest Park Shall Be Altered or Changed—Communication from Company Advising that an Appeal had Been Taken—Referred to Counsel

The Secretary presented a communication, dated July 7, 1923, from C. L. Addison, Assistant to the President of The Long Island Railroad Company in reply to the Secretary's letter of July 6, 1923, advising that an appeal had been taken from the Commission's Order in Case No. 2682, requiring the alteration of two bridges in

Forest Park, Borough of Queens, over the tracks of The Long Island Railroad Company.

Thereupon the above mentioned communication was referred to Counsel to the Commission with directions to press the appeal to an early determination.

923

The Long Island Railroad Company—New Tariff Relative to Commutation Tickets—Report by Counsel—Report Approved and Tariff Filed

The Secretary presented a report, dated July 10, 1923, by George O. Redington, Counsel to the Commission, stating that the requirements in the new tariff filed by The Long Island Railroad Company as to the signature and establishment of identification of purchasers of commutation tickets were reasonable.

Thereupon the above mentioned report was approved and the tariff effective July 20, 1913 were ordered filed.

924—G. F. 1717

Proposed Metropolitan Transit Plan—Progress Report by Consulting Engineer Stating Result of Preliminary Studies and Surveys—Referred to Committee of Whole

A report by the Consulting Engineer dated March 22, 1923, with respect to the progress being made upon a proposed metropolitan transit plan to serve New York City and its environs, was presented and was referred to the Committee of the Whole.

925—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Submitting List of Sub-Contractors Approved During Months of May and June, 1923—Filed

The following report by the Chief Engineer was ordered filed: July 7, 1923.

ROBERT RIDGWAY, Chief Engineer.
TRANSIT COMMISSION.

List of Sub-Contracts.

I submit, as follows, a list of sub-contracts, approved by this Department during the months of May and June.

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
8	6-A-1	Frederick Cranford, Inc.	L. U. S. Cast Iron Pipe & Foundry Co.	5/ 3/23	Cast-iron water pipe and specials.
33 Sec. 3	Completion of Lawrence St. Station.	Frederick Cranford, Inc.	L. U. S. Cast Iron Pipe & Foundry Co.	5/ 3/23	Cast-iron water pipe and specials.
	Contract for special work & track fittings, Order No. 22.	Railway Switch & Crossing Corporation	Hansen & York (Agts. for the Pawtucket Bolt Co.)	5/28/23	Bolts and nuts, screws, spikes and lag screws.
			Eastern Malle- able Iron Co.	5/28/23	Main and guard rail braces and end inclines.
			Dilworth, Porter & Company.	5/28/23	Tie plates, type "A."

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
8	6-A-1	Frederick Cranford, Inc.	L. Mitchell-Tappen Co.	6/ 9/23	Ventilation gratings, T. C. Inspected.
			Hydrex Asphalt products Corpn.	6/ 9/23	Asphalt treated burlap, T. C. Inspected.
52 Sec. 1	Column founda- tions.	Gustin - Morris Contracting Corporation	Hunterspoint Lbr. & Supply Co.	6/ 2/23	"Lehigh" Portland cement, sand and gravel, T. C. Inspected.
	Agreement "CC"—Changes in subway structure necessitated by widening of 60th St. bet. 2nd and 5th Aves.	Jacob Schlesinger, Inc.	Candee, Smith & Howland.	6/30/23	"Lehigh" Portland cement, T. C. Inspected.
	Second Addition to Shops, 148th St. and Lenox Ave. Yard.	Jacob Schlesinger, Inc.	Allison Steel Products Co.	6/25/23	Glass.
	Contract for supply of ties and timber, Order No. 8. Contract No. 1—168th St. Station.	Alfred R. Sax Lumber Co.	Long-Bell Lbr. Co.	6/ 9/23	Ties and timber.
		Holbrook Cabot & Rollins Corp.	Knickerbocker Slate Corp.	6/ 1/23	Furnishing and placing structural slate.
			Elizabeth Cornice Works, Inc.	6/ 2/23	Furnishing copper gutters and appurtenances.

ROBT. RIDGWAY,
Chief Engineer.

926—R. T. 7603, 6961

Route No. 52, Section No. 3—Communication from Special Deputy Police Commissioner Advising Proposed Restriction of Traffic Over Subway Decking on Amity Street Between Lawrence and Main Streets, Flushing, Would Receive Proper Police Attention—Filed

The Commission ordered filed a communication from John A. Harriss, Special Deputy Police Commissioner, dated July 5, 1923, advising that the proposed restriction of speed of traffic over subway decking on Amity Street, Flushing, between Lawrence Street and Main Street and the easterly limits of subway construction, to eight miles per hour, and that vehicles with or without loads weighing over ten tons be prohibited on such decking, as requested in the resolution of the Commission of July 3, 1923, would receive proper police attention.

927

Route No. 11-B, Section No. 2—Communication from Chief Engineer Stating Arrangements Had Been Made for Periodical Inspection of Condition of Gas Mains on Long Island Railroad Bridge at 65th Street, Brooklyn—Filed

A communication by the Chief Engineer dated July 3, 1923, stating that arrangements had been made among interested parties for periodical inspections of condition of gas mains on Long Island Railroad Bridge at 65th Street, Brooklyn, such inspections being advisable because of proximity of subway structure, was ordered filed.

928—Case 2679

Brooklyn Rapid Transit Company—Petition of Reorganization Committee of Stockholders for Approval of Reorganization Plan—Communication from President, New York Rapid Transit Company Relative to Court Direction Turning Over Property of New York Consolidated Railroad Company and New York Municipal Railway Corporation to New York Rapid Transit Corporation—Filed

The Secretary presented a communication dated June 29, 1923, from W. S. Menden, President, New York Rapid Transit Corporation, advising that pursuant to the direction in open court on June 14, 1923, of Hon. Julius M. Mayer, Judge of the United States District Court for the Southern District of New York, all of the railroad property formerly belonging to the New York Consolidated Railroad Company and the New York Municipal Railway Corporation or their receiver, were taken over by the New York Rapid Transit Corporation at 12 o'clock midnight between June 14 and June 15, 1923, and that from that time all subway and elevated lines formerly operated by said New York Consolidated Railroad Company and the New York Municipal Railway Corporation had been operated by the New York Rapid Transit Corporation.

Thereupon the above mentioned communication was ordered filed.

929—Case 2582

Manhattan Railway Company—Removal of 42nd Street Spur—Resolution of Board of Estimate and Apportionment Authorizing Removal and Fixing Areas of Assessment of Expense—Filed

The Secretary presented a communication dated July 6, 1923, from James Matthews, Assistant Secretary of the Board of Estimate and Apportionment, transmitting certified copy of resolution adopted by the Board on June 29, 1923, authorizing the removal of the 42nd Street Spur of the elevated railroad owned by the Manhattan Railway Company and fixing the areas of assessment of the expense thereof.

Thereupon the above mentioned papers were ordered filed.

930—Case 2684

The Long Island Railroad Company—Application of the City of New York for Determination of Manner in Which Cross Island Boulevard (Squire Street) Shall Cross Main Line of Railroad—Notice from Company Accepting Amended Order—Filed

The Secretary presented a notice dated July 5, 1923, from C. L. Addison, Assistant to the President of The Long Island Railroad Company, accepting the amended Order in Case No. 2684, adopted June 27, 1923, determining the manner in which Cross Island Boulevard (Squire Street) in the Borough of Queens, shall be carried across the tracks of the Main Line of the railroad.

Thereupon the above mentioned notice was ordered filed.

931—Case No. 2685

The Long Island Railroad Company—Application of the City of New York for Determination as to Manner in Which 211th Street (Bellaire Boulevard) Shall Cross Main Line of Railroad—Notice from Company Accepting Amended Order—Filed

The Secretary presented a notice dated July 5, 1923, from C. L. Addison, Assistant to the President of The Long Island Railroad Company, accepting the amended Order in Case No. 2685, adopted June 27, 1923, determining the manner in which 211th Street (Bellaire Boulevard) in the Borough of Queens, shall cross the tracks of the Main Line of the railroad.

Thereupon the above mentioned notice was ordered filed.

932

Staten Island Rapid Transit Company—New Tariff Showing Reduction in Freight Rates—Report by Assistant Chief of Transit Bureau—Filed

The Secretary presented a report dated July 6, 1923, from Frank Bennett, Assistant Chief of the Transit Bureau advising that the Staten Island Rapid Transit Company had filed a new tariff reducing freight rates on shipments of sulphate, flour, glycerine, etc., and recommending the filing of said tariff.

Thereupon the above mentioned papers were ordered filed.

933—R. T. 7529

Contract No. 4—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$3,240 for Making Changes in Smoke Flues on Stations of Culver and New Utrecht Avenue Lines—Filed

The following certified copy of a resolution adopted by the Board of Estimate and Apportionment on June 29, 1923, was ordered filed:

(Cal. No. 58)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated May 23, 1923, the Board of Estimate and Apportionment does hereby consent to an appropriation of corporate stock for installing, as addition to construction under Contract No. 4, the direct type of smoke flue at stations on the Culver Line and the New Utrecht portion of the Broadway-Fourth Line, described in said Contract No. 4, at a total estimated cost of five thousand four hundred dollars (\$5,400), to which is to be credited the cost of the material for the old flues, namely two thousand one hundred and sixty dollars (\$2,160), leaving an estimated cost to The City of New York of three thousand two hundred and forty dollars (\$3,240); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be three thousand two hundred and forty dollars (\$3,240); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of the City of New York to an amount not exceeding three thousand two hundred and forty dollars (\$3,240), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment. June 29, 1923.

JAMES MATTHEWS,
Assistant Secretary.

934—R. T. 6699

Contract No. 3—Notice by Chief Engineer of Completion of Work of Concreting Floor and Installing Floor Plates at Borough Hall Station—Filed

A notice by the Chief Engineer dated July 7, 1923, advising of the completion of work on July 2, 1923, of concreting floor and installing floor plates in connection with the escalator at the Borough Hall Station, was ordered filed.

935—R. T. 5006

Agreement "CI"—Notice by Acting Chief Engineer of Commencement of Work by P. J. Healey at Site of Westchester Yard Under Contract for Making Borings at Sites of Coney Island Yard, Westchester Yard, etc.—Filed

A notice by the Acting Chief Engineer dated June 9, 1923, advising of the commencement of work at the site of the Westchester Yard on June 23, 1923, by P. J. Healey, for making borings at sites of Coney Island Yard, Westchester Yard, etc., under Agreement "CI," was ordered filed.

936

Employees' Calendar No. 153

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Anthony J. Donargo, draftsman, at \$150.08 per month, to take effect July 9, 1923; Maurice Friedlander, engineering inspector, at \$150.08 per month, to take effect July 5, 1923; Harry R. Gabriel, draftsman, at \$150.08 per month, to take effect July 6, 1923; William Harwetel, junior assistant, at \$125.08 per month, to take effect July 9, 1923; Louis S. Kirjassoff, draftsman, at \$150.08 per month, to take effect July 5, 1923; John L. McGowan, engineering inspector, at \$150.08 per month, to take effect July 5, 1923; Albert W. Scrivens, junior assistant, at \$125.08 per month, to take effect July 5, 1923; Walter Widstrand, junior assistant, at \$125.08 per month, to take effect July 9, 1923.

Appointments under Rule VIII:10—Edmond G. Bouyssou, junior clerk, at \$60.00 per month, to take effect July 5, 1923; Robert Gilbert, junior clerk, at \$60.00 per month, to take effect July 5, 1923.

Reinstatement under Rule XVI:1—Stephen Frankel, junior clerk, at \$60.00 per month, to take effect July 5, 1923.

Resignations.—W. H. Eberhardt, junior assistant, at \$125.08 per month, to take effect July 3, 1923; Elmer R. Hauck, engineering inspector, at \$150.08 per month, to take effect July 9, 1923; Anna Proetto, clerk, at \$66.66 per month, to take effect June 30, 1923.

Change of Item in Resolution of July 3, 1923, Concerning William D. Baer, so as to read as follows: (Resignation)—David W. Baer, accountant, at \$173.00 per month, to take effect June 27, 1923.

Leave of Absence With Pay.—A. J. Connolly, stenographer, from July 9, 1923 to July 11, 1923; Julia Mollahan, clerk, from May 25, 1923 to August 31, 1923; H. W. Weber, junior assistant, from May 17, 1923 to June 23, 1923.

937

Voucher Schedule No. 28

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos. 624, 633 and 642-711, open market orders, \$5,332.51; Vouchers Nos. 346-361 miscellaneous bills, \$1,739.09; Voucher No. 15, Special Payroll, \$1,100.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

- Voucher No. 167, Fox Reynolds Co., Inc., approximate estimate No. 1 for excavation and construction of a retaining wall at the Lenox Avenue Yard, Seventh Avenue, between 148th and 150th Streets, Borough of Manhattan, (R. T. 7642) \$14,830.20;
- Voucher No. 168, Otis Elevator Company; approximate estimate No. 1 for furnishing and installing two electric passenger elevators in the new entrance to the 168th Street station, Manhattan-Bronx Rapid Transit Railroad (R. T. 7623) \$4,029.75;
- Voucher No. 169, Michael DelBalso; approximate estimate No. 6, for the installation of tracks, including furnishing part of track materials and construction of drainage system, etc., Route No. 18, 239th Street Yard, (R. T. 7528) \$23,736.12;
- Voucher No. 170, Wagner Engineering Co., Inc., approximate estimate No. 6, for the Construction of direction signs at stations of Rapid Transit Railroad (R. T. 7482) \$1,087.21;
- Voucher No. 171, Frederick L. Cranford; approximate estimate No. 3 for construction of Section No. 6-A-1, of Route No. 8, (R. T. 7667) \$34,163.88;
- Voucher No. 172, Interborough Rapid Transit Company; Estimate No. 1 for the installation and change of construction of tracks between Jerome Avenue Yard and existing elevated line on Jerome Avenue (R. T. 7521) \$2,024.42;
- Voucher 173, Frederick L. Cranford, Inc., approximate estimate No. 12 for reconstruction of a part of Section No. 3 of Route No. 33,—completion of Lawrence St. station, (R. T. 6754) \$12,570.34;
- Voucher No. 174, New York Rapid Transit Corporation; approximate estimate No. 3 for lengthening platforms at Canal Street station (R. T. 7431) \$25,862.89;
- Voucher No. 175, Rosenthal Engineering Contracting Co. Inc., approximate estimate No. 10 for the construction of inspection shed enclosure for Route No. 18, 180th Street Yard (R. T. 7457) \$19,164.96;
- Voucher No. 176, Holbrook, Cabot & Rollins Corporation; approximate estimate No. 13 for the construction of a new entrance to the 168th St. station of the Manhattan-Bronx Rapid Transit Railroad (R. T. 6114) \$4,550.83;
- Voucher No. 177, Oakdale Contracting Co., Inc.; approximate estimate No. 2 for the construction of a part of Flushing Route, Section No. 3 of Route No. 52 (R. T. 7673) \$30,941.70;
- Voucher No. 178, Philip J. Healy; approximate estimate No. 1 for making test borings in proposed Coney Island Line; in the proposed Westchester Line, and along the proposed extension of the Broadway-Fourth Avenue line, Agreement "CI" (R. T. 5006) \$960.36;
- Voucher 179, Gustin-Morris Contracting Company; approximate estimate No. 3 for the construction of foundations, Route No. 52, Section No. 1, Flushing Route, (R. T. 7670) \$7,187.35;
- Voucher No. 180, Jacob Schlesinger, Inc.; approximate estimate No. 1, for making changes in subway structures necessitated by the widening of 60th Street between 2nd and 5th Avenues, Borough of Manhattan (R. T. 7639) \$2,398.95.

938

Upon motion, duly seconded and adopted, the meeting was adjourned to Friday, July 13, 1923.

939

Hearing

The following hearing was held:

3:00 P.M., Case 2695: Proposed reconstruction of 33rd Street Station from local to express stop, Lexington-Fourth Avenue Subway Line. Chairman McAneny and Commissioner Harkness presided. Hearing adjourned to July 12, 1923, at 11:00 A.M.

JAMES B. WALKER

Secretary.

Proceedings for Thursday, July 12, 1923

940

Hearing

The following hearing was held:

11:00 A.M., Case 2695: Proposed reconstruction of 33rd Street Station from local to express stop, Lexington-Fourth Avenue Subway Line. Chairman McAneny and Commissioner Harkness presided. Hearing adjourned to July 16, 1923, at 10:30 A.M.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, July 13, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O’Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

941—S. P. 750

Nassau Electric Railroad Company—Application to Put Into Effect on Short Notice Revised Joint Passenger Tariff Showing Change of Operator—Special Permission Approved

The Secretary presented a communication dated July 12, 1923 from the Nassau Electric Railroad Company by H. A. Crowe, Agent, asking permission to publish and file Revised Sheets Nos. 2 to 38 inclusive of its Joint Passenger Tariff No. 1 providing for a change in its operator from Lindley M. Garrison, Receiver, to the Nassau Electric Railroad Company, effective 12 o’clock midnight between July 14 and July 15, 1923.

The Secretary also presented his report dated July 13, 1923, recommending the granting of the application.

Thereupon the Commission approved and ordered filed Special Permission No. 750 granting the desired permission.

942—R. T. 7591

Route No. 70-B—Resolution Extending Time to Board of Estimate and Apportionment for Consideration of Route and General Plan for Proposed Rapid Transit Railroad in the Borough of Brooklyn Known as Manhattan Avenue, Roebling Street and Bedford Avenue Route—Adopted

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn in The City of New York, known as the Manhattan Avenue, Roebling Street and Bedford Avenue Route, Borough of Brooklyn, Route No. 70-B, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general

plan by said Board within sixty days after it shall have been first received by said Board, which time expires on August 1, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said committees,

Resolved, That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment, in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended sixty (60) days from August 1, 1923.

943

Hearing

11:30 A. M.; Case No. 2691; The New York & Long Island Traction Company; Application for permission to file revised tariff showing termination of operation of Brooklyn-Mineola Line at the City Line; George F. Daggett, Chief of Transit Bureau, presided. Hearing closed.

 JAMES B. WALKER,
 Secretary.

Proceedings for Monday, July 16, 1923

944

Hearing

The following hearing was held:

11:00 A. M. Case 2695: Proposed reconstruction of 33rd Street Station from local to express stop, Lexington-Fourth Avenue Subway Line. Commissioners Harkness and O'Ryan presided. Hearing adjourned to July 20, 1923, at 10:00 A. M.

 JAMES B. WALKER,
 Secretary.

Proceedings for Tuesday, July 17, 1923

Present: LeRoy T. Harkness, Acting Chairman; John F. O'Ryan, Commissioner; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted.

945—R. T. 7681

Contract No. 3—Resolution Directing Public Hearing on Draft Form of Contract for Construction of Enclosures of Third Addition to Shops at Lenox Avenue and 148th Street Yard and Directing that Notice Be Advertised—Adopted

The following resolution was adopted:

Whereas, There is now submitted to this Commission a draft form of proposed contract for construction of enclosures of the Third Addition to Shops at the Lenox Avenue and 148th Street Yard (under Contract No. 3)

Resolved, That before finally fixing the terms and conditions of said proposed contract for construction of enclosures of the Third Addition to Shops at the Lenox

Avenue and 148th Street Yard (under Contract No. 3) a public hearing upon the proposed terms and conditions thereof shall be held on the 7th day of August, 1923, at the office of the Transit Commission at No. 49 Lafayette Street, Borough of Manhattan, New York City at 11:30 o'clock A. M., at which hearing citizens shall be entitled to appear and be heard and that notice of such hearing shall be published in the City Record every day of publication continuously from and including July 21, 1923 to and including August 7, 1923 and on July 24, 1923 and July 31, 1923 in The World and The Evening Post, daily newspapers published in the City of New York and that such notice shall state that copies of said draft of proposed contract may be obtained at the office of the Transit Commission on payment of the fee of One Dollar (\$1) for each copy.

946—R. T. 6334

Contract No. 1—Proposed Agreement With Interborough Rapid Transit Company for Reconstruction of Entrance to Dyckman Street Station—Approval Resolution—Requisition Upon Board of Estimate and Apportionment for Additional Appropriation of \$200 for City's Share

The following resolution was adopted:

Whereas, This Commission under date of April 23, 1922 transmitted to the Board of Estimate and Apportionment for its consent and the appropriation of the sum of \$1,200 to meet the obligations of the City thereunder a proposed agreement modifying Contract No. 1 dated February 21, 1900 for the construction, maintenance and operation of the Manhattan-Bronx Rapid Transit Railroad so as to provide for the re-construction of the Dyckman Street Station of said railroad as Extra Work under said Contract No. 1; and

Whereas, The Board of Estimate and Apportionment by resolution adopted May 11, 1923 appropriated the sum of \$600 being one-half the estimated cost of such work at the time and provided for the performance of such work as an Addition to Construction as defined in the contract dated March 19, 1913 known as Contract No. 3; and

Whereas, Interborough Rapid Transit Company has consented to perform such work as an Addition to Construction under said Contract No. 3 provided that in so doing it shall not create a precedent; and

Whereas, Counsel has prepared and submitted a proposed agreement which would effect the purposes of the resolution of the Board of Estimate and Apportionment adopted May 11, 1923 and provides for the performance of such work of reconstructing said Dyckman Street Station of the Manhattan-Bronx Rapid Transit Railroads of the Existing Railroads as defined in said Contract No. 3 as an Addition to Existing Railroads which classification was recommended by the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations by communication dated June 14, 1923 wherein they also recommend that Work Order No. ICcA-5 be assigned thereto; and

Whereas, By communication dated July 9, 1923 the Acting Chief Engineer of this Commission reports that the estimated cost of such work is now \$1,600, the City's share therefor being \$800;

Resolved, That the said proposed agreement be and the same hereby is approved; that said proposed agreement together with the requisition to the Board of Estimate and Apportionment for the consent of said Board thereto and the appropriation in the sum of \$200 in addition to the appropriation heretofore made by said Board for such work be and the same hereby are approved; that this Commission pursuant to the provisions of Article LXX and LXXI of Chapter IV of Part Third of said Contract No. 3 hereby orders Interborough Rapid Transit Company as Lessee under said Contract No. 3 to perform the work of reconstructing said entrance to the Dyckman Street Station as aforesaid, in accordance with the plan made part of said proposed agreement hereby approved, and to which this Commission assigns Work Order No. ICcA-5 and that said proposed agreement, together with a certified copy of this resolution and the requisition hereby approved be transmitted to said Board of Estimate and Apportionment.

[July 17, 1923]

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

July 17, 1923.

**BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.**

Gentlemen:

On May 11, 1923 your Honorable Board adopted the following resolution:

(Cal. No. 69)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 25, 1922, the Board of Estimate and Apportionment does hereby consent to and authorize an appropriation of six hundred dollars (\$600), to provide for the City's share of the cost of the reconstruction of the entrance to the Dyckman Street Station of the Manhattan-Bronx Rapid Transit Railroad as "Addition to construction" under Contract No. 3 (instead of an appropriation of twelve hundred dollars (\$1,200) for extra work under Contract No. 1, as requested by the Transit Commission); said sum of six hundred dollars (\$600) being one-half of the total estimated cost of twelve hundred dollars (\$1,200) for said work, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be six hundred dollars (\$600); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding six hundred dollars (\$600), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said "addition to construction" under Contract No. 3; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

Accordingly, the Transit Commission has prepared and transmits herewith a proposed agreement between The City of New York acting by the Transit Commission and Interborough Rapid Transit Company to be entered into pursuant to the provisions of Articles LXX and LXXI of Chapter IV of Part Third of the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company known as Contract No. 3 to provide for the work of reconstructing the entrance to the Dyckman Street Station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads as described in said Contract No. 3 as an Addition to Existing Railroads.

The estimated cost of the work under said proposed contract as reported by the Acting Chief Engineer of this Commission under date of July 9, 1923 is now \$1,600, one-half of which the City must bear, or \$800.

Your Honorable Board is requested therefore, to consent to the said proposed agreement herewith transmitted and requisition is made upon your Honorable Board for the appropriation of the sum of Two Hundred (\$200) Dollars in addition to that appropriated by the resolution of your Board adopted on May 11, 1923 as aforesaid, for the purposes of meeting the City's obligations under said proposed agreement, such sum to be appropriated from the same source as the appropriation made by your Board on May 11, 1923.

TRANSIT COMMISSION,
By LEROY T. HARKNESS,
Acting Chairman.

947—R. T. 7496

Order No. 7—Certificate by Acting Chief Engineer of Completion of Work Under Contract for Supply of Ties and Timber—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

July 10, 1923.

To TRANSIT COMMISSION:

Certificate of Completion; Ties and Timber (Order No. 7).

In connection with the contract dated May 9, 1922, between the City of New York and Alfred R. Sax Lumber Company for the supply of ties and timber, Order No. 7, I hereby certify that the delivery of material was completed on May 12, 1923. The total cost was \$94,851.00

The contract requires, pursuant to stipulation made part thereof, that all material be delivered by January 1, 1923. The Transit Commission by resolution of June 5, 1923, granted an extension of time to May 12, 1923. As all material was delivered within the contract time as extended, there are no liquidated damages to be assessed.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

SVERRE DAHM,
Acting Chief Engineer,
Transit Commission.

The following resolution was adopted:

Whereas, The contract dated May 9, 1922, between The City of New York, acting by the Transit Commission, and Alfred R. Sax Lumber Company for the supply of Ties and Timber (Order No. 7) for use in the construction of municipal rapid transit railroads, required the completion of all work hereunder on or before January 1, 1923, which time was extended to and including May 12, 1923, by resolution of the Transit Commission adopted on June 5, 1923; and

Whereas, The Acting Chief Engineer of this Commission, by communication dated July 10, 1923, has reported that all the work required under said contract was in all respects completed on or before May 12, 1923, that the total cost therefor was \$94,851 and recommends that the work so performed be accepted and a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of the City of New York,

Resolved, That the said report and recommendation be and the same hereby is approved; that the work so performed under the contract aforesaid be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

948—R. T. 7368

Contract No. 3—Report by Acting Chief Engineer Recommending Approval of Supplementary Schedule Items for Pull Boxes and Panel Boxes Under Contract for Second Addition to Shops at Lenox Avenue and 148th Street Yard—Approval Resolution

A report was presented from the Acting Chief Engineer, dated July 10, 1923, recommending the establishment of supplementary schedule items as described below and the following resolution was adopted:

Whereas, The Acting Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated May 23, 1922, between the City of New York, acting by the Transit Commission, and Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops, Lenox Avenue and 148th Street Yard, Contract No. 3, having, subject to the approval of the Commission, agreed with the said contractor on the following schedule items:

Item No. 797 (a) For furnishing and installing complete 6-inch by 6-inch by 6-inch cast iron pull boxes, the sum of Five and 10/100 Dollars (\$5.10) each,

- Item No. 797 (j) For furnishing and installing complete 18-inch by 36-inch by 6-inch cast iron pull boxes, the sum of Eighty-nine and 70/100 Dollars (\$89.70) each,
- Item No. 797 (j) For furnishing and installing complete 27-inch by 53-inch by 6-inch steel panel board boxes, the sum of Fifty-one and 75/100 Dollars (\$51.75) each,

Resolved, That such action on the part of the Acting Chief Engineer be and hereby is approved.

949—R. T. 7652

Route No. 45, Section No. 2—Application by Frederick L. Cranford, Inc., Second Lowest Bidder, for Return of Certified Check Deposited with Bid for Construction of Part of the Broad and Nassau Streets Line—Approval Resolution

An application was presented from Frederick L. Cranford, Inc., dated July 9, 1923, requesting the return of the certified check in the sum of \$75,000 deposited with the bid of the company on May 22, 1923, for the construction of Section No. 2 of Route No. 45, Broad and Nassau Streets Line.

The following resolution was adopted:

Whereas, Pursuant to public advertisement Frederick L. Cranford, Inc. filed with this Commission its proposal for the proposed contract for the construction of a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 45, Section No. 2, Broad and Nassau Streets (under Contract No. 4) and in compliance with the conditions of the Invitation for Proposals deposited its certified check in the sum of \$75,000 with this Commission simultaneously with the filing of said proposal; and

Whereas, Said Frederick L. Cranford, Inc., by communication dated July 9, 1923 has requested the return to it of its said check so deposited; and

Whereas, Counsel advises that the time has expired during which this Commission might legally retain any of the proposals made for said proposed contract.

Resolved, That the Secretary of this Commission be and hereby is authorized and directed to return to the said Frederick L. Cranford, Inc. its certified check in the sum of \$75,000 deposited with its proposal as aforesaid and to take proper receipt therefor.

950—R. T. 6361

Routes Nos. 4 & 36, Section No. 5—Proposed Agreement with New York Rapid Transit Corporation and Bloomingdale Bros., Inc., for Relocation of Sidewalk Beams at Southeast Corner of 60th Street and Lexington Avenue, Borough of Manhattan—Approval Resolution

A communication was presented from Counsel, dated July 12, 1923, submitting a proposed agreement between the Transit Commission, New York Rapid Transit Corporation and Bloomingdale Bros., Inc., providing for the relocation of sidewalk beams in the building at the southeast corner of 60th Street and Lexington Avenue, Borough of Manhattan, so as to accommodate the widening of the roadway at that point.

The following resolution was adopted:

Whereas, Counsel with his letter dated July 12, 1923, has submitted to this Commission a proposed form of agreement between The City of New York, acting by the Transit Commission, New York Rapid Transit Corporation and Bloomingdale Bros., Inc., for the relocation of sidewalk beams in building at the southeast corner of 60th Street and Lexington Avenue, Borough of Manhattan, City of New York, to accommodate widening of the roadway and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, The proposed agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and are hereby authorized to execute the same.

951—R. T. 6074, 6597

Contract No. 2—Communication from Interborough Rapid Transit Company Requesting Approval of a Proposed Agreement Modifying the Agreement for an Entrance from the Wall Street Station to the Empire Building so as to Provide for Installation of Automatic Turnstiles—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, by James L. Quackenbush, General Attorney, dated July 2, 1923, requesting approval of a proposed agreement modifying the agreement dated May 31, 1910, for an entrance from the Wall Street Station to the Empire Building at the southwest corner of Broadway and Rector Street, so as to permit the installation of automatic turnstile control.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated July 12, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Heretofore and on or about the 31st day of May, 1910, a predecessor of this Commission, the Public Service Commission for the First District, entered into an agreement with Frederick Potter and Clarence Kelsey as Trustees under a deed of trust executed by the heirs at law of Orlando B. Potter, deceased, Rapid Transit Subway Construction Company and Interborough Rapid Transit Company, providing for the construction, maintenance and operation of an entrance from the Wall Street Station of the Brooklyn-Manhattan Rapid Transit Railroad to the premises known as the Empire Building at the southwest corner of Broadway and Rector street in the Borough of Manhattan, City of New York; and

Whereas, By communication dated July 2, 1923, James L. Quackenbush, as General Attorney for Interborough Rapid Transit Company, has submitted for the approval of this Commission a proposed agreement dated June 19, 1923, modifying the agreement of May 31, 1910, aforesaid, so as to permit the said Interborough Rapid Transit Company to maintain and operate automatic turnstiles, station railings and controls in front of the entrance to the building aforesaid, as more particularly indicated upon the drawing attached to said proposed agreement of June 19, 1923; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have by communication dated July 12, 1923, recommended the approval of said proposed agreement; and

Whereas, Counsel has examined said proposed agreement and finds no objection thereto,

Resolved, That the said proposed agreement so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed agreement for and on behalf of this Commission.

952—R. T. 6761

Contract No. 3 and Extension Certificate—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for Removal of Ashes and Rubbish—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated June 26, 1923, requesting approval of a proposed contract with the Bouker Contracting

Company for the removal of ashes and rubbish from power houses and storage yards for a period of one year.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated July 7, 1923, stating that the bids received by the company are satisfactory, and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Operating Expense.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3 and the provisions of the certificate dated March 19, 1913, granted to Interborough Rapid Transit Company for certain elevated extensions, said Interborough Rapid Transit Company has by communication dated June 26, 1923, submitted for the approval of this Commission a proposed contract to be entered into by it with Bouker Contracting Company for the removal of ashes and rubbish for a period of one year from the date thereof; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated July 7, 1923, reported that the following bids were received for such work:

Five bids were received in response to twenty invitations sent out:

Bidder.	Ashes.	Rubbish.
Bouker Contracting Co.....	24c per cubic yard	95c per cubic yard
O'Brien Bros., Inc.....	30c per cubic yard	\$1.40 per cubic yard
Moran Towing & Trans. Co.....	33c per cubic yard	1.60 per cubic yard
Fredk. Starr Contr. Co.....	34c per cubic yard	1.50 per cubic yard
Henry Steers, Inc.....	35c per cubic yard	1.75 per cubic yard

that Bouker Contracting Co. has done similar work for the Interborough Rapid Transit Company for many years and its services have been entirely satisfactory and recommends that the said proposed contract be approved; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated July 10, 1923, has recommended that the cost of carrying out said proposed contract be classified as operating expense,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed contract be and the same hereby is approved, provided, however, that any agreement entered into pursuant to the provisions of Article Fifteenth shall be before becoming operative submitted to this Commission for its approval and provided further that the cost of carrying out said contract by the Interborough Rapid Transit Company shall be charged to operating expense under said Contract No. 3 and said Extension Certificate.

953—R. T. 7007

Contract No. 3—Applications from Interborough Rapid Transit Company Requesting Approval of Two Proposed Purchasing Agent's Orders for Furnishing Dry Batteries for Emergency Door Opening Device on 982 Subway Cars—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work—Approval Resolutions

Two applications were presented from the Interborough Rapid Transit Company, dated June 27, 1923, requesting approval of proposed purchasing agent's orders directed

to the Manhattan Electrical Supply Company and the Western Electric Company for furnishing 2,500 dry batteries each, in connection with the installation of emergency door opening device on 982 low voltage subway cars at a total cost of \$7,750.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 10, 1923, recommending that the applications be approved.

A report was presented from the Auditor of Rapid Transit Costs and Chief of the Bureau of Accounting and Valuations, dated July 13, 1923, classifying the work as described below.

The following resolutions were adopted:

Whereas, By order adopted on the 15th day of December, 1920, the Transit Construction Commissioner, in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911, modifying the contract dated February 21, 1900, known as Contract No. 1, for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911, and by orders adopted coincidentally therewith modified the order of April 23, 1920, aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of The City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922, for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated May 25, 1922, as modified by communication dated January 17, 1923, for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with the foregoing resolutions Interborough Rapid Transit Company has submitted, for the approval of this Commission, a proposed purchasing agent's order dated June 27, 1923, directed to Manhattan Electrical Supply Company for the following:

2,500 Batteries, comprising five 1½ volt dry cells, Red Seal Sparker No. 152.
 Price: \$1.55 each \$3,875.00
 Terms: 2% ten days. An additional 5% rebate will be allowed from the total amount of dollars and cents should we purchase 10,000 of these sparkers during the period of one year.
 Delivery requirements are as follows and must be strictly complied with:
 375 at once.
 250 first of each month thereafter.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 492"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 10, 1923, reported that the following bids were received for such material:

Manhattan Electrical Supply Company..	\$1.55 each—2%	\$3,875—2%
National Carbon Company.....	1.55 each	
Western Electric Company.....	1.55 each—2%	

; that the material is necessary and the prices are reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuation have, by communication dated July 13, 1923, recommended that the cost of purchasing such material be charged as hereinafter more particularly set forth,

Resolved, That said reports and recommendations be and the same hereby are approved and that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, provided, however, that the foregoing approval is upon the following conditions:

- (1) that the cost of the batteries required for original installation in the 982 subway cars be classified as Contract No. 1 Equipment in so far as cost is paid out of moneys provided under the Saratoga Award.
- (2) That the cost of the batteries in excess of those required for original installation in the 982 subway cars be charged to Operating Materials and Supplies Account.

Whereas, By order adopted on the 15th day of December, 1920, the Transit Construction Commissioner, in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911, modifying the contract dated February 21, 1900, known as Contract No. 1, for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911, and by orders adopted co-incidentally therewith modified the order of April 23, 1920, aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution, adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922, for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution, adopted January 30, 1923, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated May 25, 1922, as modified by communication, dated January 17, 1923, for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with the foregoing resolutions, Interborough Rapid Transit Company has submitted, for the approval of this Commission, a proposed purchasing agent's order, dated June 27, 1923, directed to Western Electric Company for the following:

2,500 Batteries, comprising five 1½ volt dry cells, "Hot Shot" No. 1562.
 Price, \$1.55 each..... \$3,875 00
 Terms, 2 per cent. ten days.

If at the end of twelve months from date of order, 10,000 or more No. 1562 batteries have been delivered and billed, an allowance of 5 per cent. will be made.

Delivery requirements are as follows and must be strictly complied with:

375 to be delivered at once.

250 to be delivered the first of each month thereafter.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 493"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication, dated July 10, 1923, reported that the following bids were received for such materials:

Western Electric Company.....\$1.55 each—2% \$3,875—2%
 National Carbon Company..... 1.55 each
 Manhattan Electrical Supply Co..... 1.55 each—2%

; that the material is necessary and the prices are reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication, dated July 13, 1923, recommended that the cost of purchasing such material be charged as hereinafter more particularly set forth,

Resolved, That said reports and recommendations be and the same hereby are approved and that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, provided, however, that the foregoing approval is upon the following conditions:

- (1) that the cost of the batteries required for original installation in the 982 subway cars be classified as Contract No. 1, Equipment in so far as cost is paid out of moneys provided under the Saratoga Award.
- (2) that the cost of the batteries in excess of those required for original installation in the 982 subway cars be charged to Operating Materials and Supplies Account.

954—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Insertion of Clause in Proposed Contract for Installation of Three Rotary Converters for Substation No. 27 with Respect to Final Payment for Work—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated July 6, 1923, requesting approval of the insertion of a clause in the proposed contract with the General Electric Company for the installation of three rotary converters for Substation No. 27 with respect to the final payment for units of the work.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated July 12, 1923, stating that the clause is satisfactory from an engineering standpoint.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract, dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, this Commission by resolution adopted April 18, 1923, approved a proposed contract to be entered into by said Interborough Rapid Transit Company with General Electric Company for the manufacture, delivery and installation complete, of three 2000 K. W. rotary converters with their transformers and switchboard panels for Substation No. 27 of the Railroad described in said Contract No. 3 as a part of Equipment of the Railroad as defined in said Contract No. 3; and

Whereas, By communication, dated July 6, 1923, said Interborough Rapid Transit Company has requested the approval of this Commission to the insertion in said proposed contract approved as aforesaid on April 18, 1923, of the following paragraphs:

"It is understood and agreed that such 10 per cent. shall become due and payable ninety days from the complete erection ready for operation of the unit, if final acceptance is delayed for such length of time through no fault of the contractor."

; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission by communication, dated July 12, 1923, had reported that the insertion of said proposed clause is satisfactory from an engineering standpoint; and

Whereas, Counsel has reported that there is no objection to the insertion of said proposed clause in said contract approved as aforesaid,

Resolved, That said application of Interborough Rapid Transit Company for the inclusion of said clause as hereinbefore set forth in the contract approved on April 18, 1923, as aforesaid, be and the same hereby is approved.

955—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Apparatus for Kings Highway and Richmond Hill Substations—Report by Engineer of Equipment and Operation and Chief Engineer, Endorsed by Auditor of Rapid Transit Costs Classifying Work and Assigning Work Order Nos. MCA-25 and MEA-6 Respectively—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated June 21, 1923, requesting approval to the issuance of a purchasing agent's order directed to the General Electric Company for apparatus, as described below, for the Kings Highway and Richmond Hill Substations, at a total cost of \$60,000.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated July 7, 1923, recommending that the application be approved, which report was endorsed, under date of July 10, 1923, by the Auditor of R. T. Costs, classifying the work as Additions to Existing Railroads, under Work Order No. MCA-25, and Additions to Elevated Extensions under Work Order No. MEA-6, respectively.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation known as Contract No. 4, and pursuant to provisions of the certificate dated March 19, 1913, granting to the said New York Municipal Railway Corporation for certain elevated extensions, New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4 and said certificate has, by communication dated June 21, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated June 21, 1923, directed to General Electric Company for the following:

Supply all labor and material required to furnish and deliver, in accordance with the attached specifications, dated March 9, 1923, and your proposals dated April 5th and 12th, 1923, the following apparatus:

- 2 2000 K. W. 575 Volt, D. C. 6-Phase, 25 Cycle, Commutating Pole, Shunt Wound Rotary Converters
- 2 2000 K. V. A. 3-Phase, 25 Cycle, A. B. Transformers
- 2 5000 Amp. 650 Volt D. C. Rotary Control Panels
- 2 1000-3000 Amp. 440 Volt A. C. Starting Panels
- 2 5000 Amp. Pedestal Switches

All for the sum of \$60,000.00, F. O. B. Brooklyn.

One of each of the above items required for Kings Highway Sub-Station, No. 2026 Coney Island Avenue, and one each for Richmond Hill Sub-Station, No. 8649 Beach street.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 351"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated July 7, 1923, reported that the following bids were received for such material:

General Electric Company.....	\$60,000
Westinghouse Electric & Mfg. Co.....	61,670

that the specifications covering the machines and accessories are satisfactory from an engineering standpoint and recommend that said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated July 10, 1923, has recommended that the rotary converter and accessories for Kings Highway Substation be classified as Additions to Existing Railroads under Work Order No. MCA-25 heretofore assigned by this Commission and that the rotary converter and accessories for Richmond Hill Substation be classified as Additions to Elevated Extensions under Work Order No. MEA-6 heretofore assigned by this Commission,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the rotary converter and accessories for Kings Highway Substation to be classified as Additions to Existing Railroads under Work Order No. MCA-25 heretofore assigned by this Commission and that the rotary converter and accessories for Richmond Hill Substation shall be classified as Additions to Elevated Extensions under Work Order No. MEA-6 heretofore assigned.

956—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent Order for Apparatus for Hudson Substation—Report by Engineer of Equipment and Operation and Chief Engineer, Endorsed by Auditor of Rapid Transit Costs Classifying Work and Assigning Work Order No. MCA-24, Recommending Approval—Approval Resolution

An application was presented from New York Rapid Transit Corporation, dated June 21, 1923, requesting approval to the issuance of a purchasing agent's order directed to the Westinghouse Electric & Manufacturing Company for apparatus, as described below, for the Hudson Substation, at a total cost of \$50,460.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated July 7, 1923, recommending that the application be approved, which report was endorsed, under date of July 10, 1923, by the Auditor of Rapid Transit Costs, classifying the work as Additions to Existing Railroads, and assigning Work Order No. MCA-24.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has submitted to this Commission for approval a proposed purchasing agent's order dated June 21, 1923, directed to Westinghouse Electric & Manufacturing Co., for the following:

Supply all labor and material required to furnish and deliver, in accordance with the attached specifications, dated March 9, 1923, and your proposal of April 5th, 1923, the following apparatus:

- 1 4000 K. W. 575 Volt, D. C., 6-phase, 25 cycle, Commutating Pole, Shunt Wound, Rotary Converter
- 1 4000 K. V. A. 3-Phase, 25 Cycle, A. B. Transformer
- 1 10,000 Amp. 650 Volt D. C. Rotary Converter Control Panel
- 1 1500-5000 Amp. 440 Volt A. C. Starting Panel
- 1 10,000 Amp. 600 Volt, D. C. Pedestal Switch

All for the sum of \$50,460.00, F. O. B. Brooklyn.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 352"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 7, 1923, reported that the following bids were received for such work:

Westinghouse Electric & Mfg. Co.....	\$50,460
General Electric Co.	51,500

that the award is to the low bidder; that the prices are reasonable; that the specifications are satisfactory from an engineering standpoint and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated July 10, 1923, has recommended that the cost of such material be classified as Additions to Existing Railroads under Work Order No. MCA-24 heretofore assigned by this Commission,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval made part of said proposed purchasing agent's order, the cost of the material under said proposed purchasing agent's order so approved to be classified as Additions to Existing Railroads under Work Order No. MCA-24 heretofore assigned by this Commission.

957—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Motor Driven Ventilating Fans and Transformers—Report by Engineer of Equipment and Operation and Chief Engineer, Endorsed by Auditor of Rapid Transit Costs Classifying Work, Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated June 15, 1923, requesting approval of the issuance of a purchasing agent's order directed to the Buffalo Forge Company for thirty-three motor driven ventilating fans and transformers for installation in toilet rooms of the 14th Street-Eastern Line at a cost of \$3,168.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated July 10, 1923, recommending that the application be approved, which report was endorsed, under date of July 12, 1923, by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has, by communication dated June 16, 1923, submitted for the approval of this Commission proposed purchasing agent's order dated June 15, 1923 directed to the Buffalo Forge Company for the following:

33 Motor Driven Ventilator Fans with Transformers, each equipment to consist of the following: \$96.00 per Equipment, F. O. B., Buffalo.

One No. 3 Baby Conoidal Fan as illustrated on page 20 of your bulletin 490. One $\frac{1}{8}$ H. P. 110 Volt, Single Phase, 25 Cycle, 2 Pole, 1440 r.p.m. Induction Motor, type "CA," as manufactured by the W. E. & M. Co. with ring oil bearings and with stator wound with specially impregnated cotton covered enameled wire. The motor and shaft shall have the same dimensions as those furnished the N. Y. M. Ry. Corp. on order No. 15083, Dec. 19, 1917 and to be interchangeable therewith. One single phase, 25 cycle voltage transformer dry type, high tension side to be arranged for 575 volts, low tension side for 115 volts, as manufactured by the Westinghouse Electric & Mfg. Co., similar to transformer No. S-10352 and the exact duplicate of those furnished on our order No. 15083.

Price includes assembly of motors but does not include any assembly of transformers.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 349"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 10, 1923, reported that the following bids were received for such material:

Buffalo Forge Co.	\$96.00 each—\$3,168.00
American Blower Co.—	
Westinghouse Motors	117.00 "
General Electric	97.50 "
B. F. Sturtevant Company	125.40 "
General Electric Company	Could not quote
Western Electric Company	" " "
Westinghouse Electric & Mfg.	Could not quote on complete equipment

; that the fans are to be used in the toilet rooms of the 14th Street-Eastern Line of the Railroad described in Contract No. 4; that the fans are standard part of subway equipment; that the price is reasonable and the best obtainable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs has, by endorsement dated July 12, 1923, recommended that the cost of such material be classified as Equipment of the Railroad.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

958—R. T. 6481

Contract No. 4—Communication from New York Rapid Transit Corporation Advising of Revision in Price for Car Brake Shoes for Third Quarter of Year 1923—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

A communication dated June 30, 1923, from New York Rapid Transit Corporation, advising of a revised price of \$65.00 per net ton for the price of brake shoes for the third quarter of 1923, under the contract with the American Brake Shoe and Foundry Company, was presented.

A report by the Engineer of Equipment and Operation and the Chief Engineer dated July 7, 1923, advising that the revised price is the same as the last quarter's price, and recommending that the revised price be approved, was also presented.

The following resolution was adopted:

Whereas, This Commission, by resolution adopted on November 9, 1921, as amended by resolution adopted on November 22, 1921, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation consented to a proposed contract to be entered into between The Receiver of the New York Consolidated Railroad Company (assignee of New York Municipal Railway Corporation of the maintenance and operating provisions of said Contract No. 4) with American Brake Shoe and Foundry Company for the purchase of car brake shoes in connection with the operation of the Railroad and Existing Railroads under said Contract No. 4 "the price of said shoes varying," provisions being made in said proposed contract for revising the prices on the first day of January, April, July and October, the revised price to prevail for the succeeding three months, which resolution further provides that each new price fixed in accordance with the provisions of said proposed contract shall be submitted to this Commission for approval; and

Whereas, By communication dated June 30, 1923 New York Rapid Transit Corporation, as successor to all the rights and obligations under said Contract No. 4, has

requested the approval of this Commission to a price of \$65 per net ton, F. O. B., Mahwah, N. J., to be paid in the third quarter of 1923; and

Whereas, By communication dated July 7, 1923 the Engineer of Equipment and Operation and the Chief Engineer of this Commission, have reported that the said price of \$65 per ton for the third quarter of the year 1923 is reasonable, in view of the present material and labor costs and recommend that said be approved; and

Whereas, The Auditor of Rapid Transit Costs, by communication dated July 10, 1923, has recommended that the cost of such material be classified as Operating Materials and Supplies,

Resolved, That the fixation of \$65 per net ton, F. O. B., Mahwah, N. J., as of July 1, 1923, for the supply of car brake shoes under said contract with American Brake Shoe & Foundry Company, approved as aforesaid, to prevail during the third quarter of the year 1923, be and the same hereby is approved.

959—R. T. 6695, 6645

Fulton Street Elevated Line—Application by New York Rapid Transit Corporation for Approval of Installation of Additional Signal West of Hinsdale Street Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. MCA-26—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated May 25, 1923, requesting approval to the installation of an additional signal on the eastbound local track, west of the Hinsdale Street Station of the Fulton Street Elevated Line, at an estimated cost of \$1,800.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated July 7, 1923, stating that the plans are satisfactory; that the cost is reasonable and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations classifying the work as Additions to Existing Railroads and assigning Work Order No. MCA-26.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has, by communication dated May 25, 1923, requested the approval of this Commission to the installation of an additional signal on the eastbound local track at a point approximately 300 feet west of the Hinsdale Street Station of the Fulton Street Elevated Line of the Existing Railroads as described in said Contract No. 4, at an estimated cost of approximately \$1,800; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 7, 1923, reported that said proposed additional signal is to increase the capacity of this track at this point and is considered desirable; that the estimated cost is reasonable; that the plans submitted, showing said proposed additional signal, are satisfactory and recommend that said proposal be approved; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have recommended, with respect to said proposal, as follows:

- (1) That the cost of alterations, removal and relocation of existing equipment be charged to maintenance.
- (2) That the cost of the proposed installation, in so far as it is a betterment, be classified as Additions to Existing Railroads and that Work Order Number MCA-26 be assigned thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that the proposal of said New York Rapid Transit Corporation so submitted be and the same hereby is approved, upon condition (1) that the cost of alterations, removal and relocation of existing equipment shall be charged to Maintenance under said Contract No. 4; and (2) that the cost of the proposed installation, in so far as it is a betterment, shall be classified as Additions to Existing Railroads and as to which this Commission assigns Work Order No. MCA-26.

960—R. T. 6695

Contract No. 4—Application by New York Rapid Transit Company for Approval of Special Train Order Signal at South End of Prince Street Station of Broadway-Fourth Avenue Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs Classifying Work and Assigning Work Order No. MBA-24—Approval Resolution

An application was presented from the New York Rapid Transit Company dated June 25, 1923, requesting approval to the installation of a special train order signal at the south end of the Prince Street Station of the Broadway-Fourth Avenue Line, at an estimated cost of \$200.

A report was presented from the Engineer of Equipment and Operation and the City Engineer dated July 7, 1923, stating that the proposed apparatus is satisfactory and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs dated July 10, 1923, classifying the work as Additional Equipment for the Railroad and assigning Work Order No. MBA-24.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has requested the approval of this Commission to the installation of a special train order signal at the south end of the Prince Street Station of the Broadway-Fourth Avenue Line of the railroad described in said Contract No. 4, at an estimated cost of \$200; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 7, 1923, reported that said train order signal is to be located at the south end of the Prince Street Station in the east-bound direction, for the convenience of the dispatcher when it is desired to divert trains from the local to the express tracks; that the signal is considered desirable; that the estimated cost is reasonable, and recommend that the said proposal be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated July 10, 1923, has recommended that the cost of installing such signal be classified as Additional Equipment for the Railroad and that Work Order No. MBA-24 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the proposal of New York Rapid Transit Corporation aforesaid to install such signal be and the same hereby is approved, such work to be classified as Additional Equipment for the Railroad and as to which this Commission assigns Work Order No. MBA-24.

961—R. T. 6695

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Changes in Signals Between Canal Street Station, Lower Level, and Prince Street Crossing of Broadway-Fourth Avenue Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Recommending Work Be Charged to Maintenance—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated June 16, 1923, requesting approval to the making of certain signal changes between Broadway Station on the Canal Street portion of the Broadway-Fourth Avenue Line on the Westbound side and the Prince Street crossing of the Broadway portion of the Broadway-Fourth Avenue Line, at an estimated cost of \$1,050.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated July 7, 1923, stating that the proposed changes are satisfactory and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations dated July 10, 1923, recommending that the work be charged to Maintenance.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation as successor to all the rights and obligations under said Contract No. 4 has by communication dated June 16, 1923, requested the approval of this Commission to the making of certain signal changes between Broadway station on the Canal Street portion of the Broadway-Fourth Avenue Line on the Westbound side and the Prince street crossing of the Broadway portion of the Broadway-Fourth Avenue Line; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated July 7, 1923, reported that the estimated cost of such work is \$1,050; that such changes so proposed are necessary because of the intention to operate seven and eight car trains past the Broadway station instead of six car trains as at present; that the estimated cost is reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuation have reported and recommended with respect thereto as follows:

(1) That the Company account for the salvage, including the cost of removing of all facilities removed, the net final amount to be withdrawn from or paid into (as the case may be) the Depreciation Fund for the Railroad and Equipment; and that an amount equal to the original cost of the facilities retired be held available for replacements, in the Depreciation Fund for the Railroad and Equipment.

(2) That the cost of alterations, changes and relocation of signal apparatus, accessories, wires and cables be charged to maintenance.

Resolved, That said reports and recommendations be and the same hereby are approved and that said proposal so submitted be and the same hereby is approved upon the condition:

(1) That the Company account for the salvage, including the cost of removing of all facilities removed, the net final amount to be withdrawn from or paid into (as the case may be) the Depreciation Fund for the Railroad and Equipment; and that an amount equal to the original

cost of the facilities retired be held available for replacements, in the Depreciation Fund for the Railroad and Equipment.

(2) That the cost of alterations, changes and relocation of signal apparatus, accessories, wires and cables be charged to maintenance.

962—R. T. 7682

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Relocation of Handrail and Additional Footwalk on 38th Street Line of Broadway-Fourth Avenue Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of the Bureau of Accounting and Valuations Recommending Work Be Charged to Maintenance—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated June 8, 1923, requesting approval to the performance of the work of relocating a portion of handrailing and installing certain additional footwalk planking on Track No. 1-Y west of the Ninth Avenue station of Subdivision VIII of the Broadway-Fourth Avenue Line, at an estimated cost of \$300.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated July 7, 1923, stating that the proposed changes are satisfactory and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations dated July 10, 1923, recommending that the work be charged to Maintenance.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation by communication dated June 8, 1923, requested the approval of this Commission to the performance of the work of relocating a portion of handrailing and installing certain additional footwalk planking on Track No. 1-Y west of the Ninth Avenue Station of Subdivision VIII of the Broadway-Fourth Avenue Line as described in said Contract No. 4; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated July 7, 1923, reported that at the particular location in question the track is curved and on account of the overhang of the wide car bodies on such curve the present footwalk is not wide enough to provide a safe refuge for employees and others alongside the track; that approximately 100 linear feet of footwalk is to be altered; that the estimated cost is approximately \$300; that such work is necessary and recommend that said proposal be approved; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have reported with respect to such application and recommended that such work be charged to Maintenance,

Resolved, That said reports and recommendations be and the same hereby are approved; that the application of the Receiver as aforesaid, be and the same hereby is approved: that the cost of such work shall be charged to Maintenance under said Contract No. 4.

963—R. T. 7177

Routes Nos. 36 & 37—Certified Copy of Resolution of Board of Estimate and Apportionment Requesting that Commission Modify Design of Proposed Corona Storage Yard so as to Permit an Amendment to the Street Plan—Referred to Chief Engineer

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 29, 1923, was referred to the Chief Engineer:

(Cal. No. 197)

Whereas, The Transit Commission, under date of April 25, 1923, has made requisition upon the Board of Estimate and Apportionment for the consent of this Board to the purchase of such personal property constituting the fill on the city-owned site comprising the Corona Yard of the Queensboro Rapid Transit Railroad, from the owner of such, to wit, the Queens Subway Apartment and Loft Building Corporation, at the sum of thirty cents per cubic yard or, upon the estimated quantity of 250,000 cubic yards, a total expenditure of \$75,000; and has requested an appropriation of \$75,000 for said purpose; be it

Resolved, That the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby advises the Transit Commission that this Board will give favorable consideration to a proposition providing for the purchase of that portion of the stored material which is actually required for the construction of the Corona Yard up to a maximum of 250,000 cubic yards measured in place at a price not to exceed 10 cents per cubic yard, provided such offer is accepted by the owners of said material before July 13, 1923, and that in case the present owners are not prepared to accept payment on these terms, the Transit Commission immediately notify them to remove from the City property within the time limit fixed by the court such portion of the fill as, under the terms of the court decree, belongs to them; and be it further

Resolved, That the Transit Commission be and hereby is requested to modify the design of the proposed yard so as to permit of the amendment of the street plan to provide a marginal street across the easterly end of the proposed yard and across the Long Island R. R., about midway between Peartree avenue and Lawrence street, in such a way that the storage capacity of the yard will be only slightly curtailed.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 29, 1923.

JAMES MATTHEWS,
Assistant Secretary.

964—R. T. 6481

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Contract and Purchasing Agent's Orders for Fifty New Steel Trailer Cars and Equipment—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. MBA-25—Approval Resolutions

An application was presented from the New York Rapid Transit Corporation, dated June 28, 1923, requesting approval of a proposed contract and seven purchasing agent's orders for portions of equipment for fifty new steel trailer cars at an approximate cost of \$1,077,829.00.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 14, 1923, stating that the prices are reasonable and the best obtainable and recommending that the proposed contract and purchasing agent's orders be approved.

A report was presented from the Auditor of Rapid Transit Costs and Chief of the Bureau of Accounting and Valuations, dated July 17, 1923, classifying the work as Additional Equipment of the Railroad and assigning Work Order No. MBA-25 thereto.

The following resolutions were adopted:

Whereas, In compliance with the provisions of the Final Order in Case No. 2628, Service Order "B," New York Rapid Transit Corporation as successor to the rights and obligations under and pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and the New York Municipal Railway Corporation, known as Contract No. 4

has submitted for the approval of this Commission a proposed contract to be entered into with Pressed Steel Car Company for the manufacture and delivery of bodies and trucks for fifty (50) steel passenger cars, Series 4000-4049, together with the plans and specifications therefor; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have by communication dated July 14, 1923, reported that the following bids were received for such units:

	Bodies (each)	Trucks (pair)	Total (per car)
Pressed Steel Car Co.....	\$14,596	\$2,943	\$17,529
American Car and Foundry Co.....	16,178	3,125	19,303
Standard Steel Car Co.....	15,875	3,025	18,900
Pullman Co.	16,350	3,690	20,040
Baldwin Locomotive Works (trucks only) .....	.....	3,382	.....

that the proposed contract is with the low bidder; that the prices therefor are reasonable and the best obtainable; that the proposed form of contract and specifications are satisfactory and recommend the approval of said proposed contract as so submitted; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication dated July 17, 1923, recommended that the said bodies and trucks be classified as Additional Equipment of the Railroad and that Work Order No. MBA-25 be assigned thereto,

Resolved, That said reports and recommendations be and the same are hereby approved; that the said proposed contract be and the same hereby is approved, such units to be classified as Additional Equipment of the Railroad as defined in said Contract No. 4 and as to which this Commission assigns Work Order No. MBA-25, provided, however, that said contract shall before execution and delivery thereof be modified in the following respect:

- Page 18, item 13, line 8:
Change "top side of plate" to "...top of side plate."
- Page 22, item 19, line 4:
Change "secured"... to "securely"...
- Page 22, item 19, line 29:
Change "ar" .. to "at"...
- Page 40, item 6 (d), line 5:
Change "bond"... to "bend"...
- Page 46, item 17-1 (a), line 4:
Change "Receiver" to "Company."

Whereas, In compliance with the order of this Commission in Case No. 2628, Service Order "B." New York Rapid Transit Corporation, as successor to the rights and obligation under and pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Rapid Transit Corporation, known as Contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated June 19, 1923, directed to Consolidated Car Heating Company for the following:

- 50 Car Equipments of Electro Pneumatic Door Operating Devices, same as furnished on N. Y. M. Ry. Corpn. P. A. Order No. 20081, except that engines shall have new by-pass valves in the racks instead of being in the main cylinder casting and push button control box shall include change in design of Key Switch to increase key bearing surface and box cover shall be flush with the end of buttons.

\$1,400.00 per car equipment, F. O. B. Albany with freight allowed to Car Builders Works.

Each equipment shall consist of the following:

- 14 Door Engines Comp. w/strainers.
- 14 Door Slides.
- 8 Sets Double Magnetic Air Valve w/Strainers.
- 6 Three-Way Cocks.
- 14 Cut-Out Cocks.

- 2 10-Button, Push Button Boxes.
- 4 2-button, Push Button Switches.
- 2 Side Door Emergency Opening Devices.
- 2 End Door Emergency Opening Devices.
- 14 Interlock Contact Sets.

and any other material necessary to make a complete car equipment.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 354"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 14, 1923, reported that such equipment is necessary for the 50 new steel trailer cars, the contract for which is approved coincidentally herewith and as ordered aforesaid; that the following bids were received for such material:

Consolidated Car Heating Co.	\$1,400 per car
National Pneumatic Co.	1,510 per car

; that the prices are the best obtainable and are reasonable and that said Consolidated Car Heating Company is reliable and competent to provide such material, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 17, 1923, recommended that the cost of such material (as constituting a part of the 50 trailer cars, Series 4000-4049) be classified as Additional Equipment for the Railroad and that Work Order No. MBA-25 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Additional Equipment of the Railroad and as to which (as constituting a part of the 50 trailer cars, Series 4000-4049) this Commission assigns Work Order No. MBA-25.

Whereas, In compliance with the order of this Commission in Case No. 2628, Service Order "B," New York Rapid Transit Corporation, as successor to the rights and obligation under and pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Rapid Transit Corporation, known as Contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated June 19, 1923, directed to Westinghouse Traction Brake Co. for the following:

50 Car Sets, Westinghouse Traction Brake Co.'s Automatic Car and Air Coupler Complete with Draw Bar and Draft Gear. \$810 per Car Set, F. O. B. Your Factory. Each set consisting of parts as per list attached.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 355"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 14, 1923, reported that such equipment is necessary for the 50 new steel trailer cars, the contract for which is approved coincidentally herewith and as ordered aforesaid; that the following bid was received for such material:

Westinghouse Traction Brake Co.	\$810 per car
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; that the price is the best obtainable and is reasonable and that said Westinghouse Traction Brake Co. is reliable and competent to provide such material, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 17, 1923, recommended that the cost of such material (as constituting a part of the 50 trailer cars, Series 4000-4049) be classified as Additional Equipment for the Railroad and that Work Order No. MBA-25 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Additional

Equipment of the Railroad and as to which (as constituting a part of the 50 trailer cars, Series 4000-4049) this Commission assigns Work Order No. MBA-25.

Whereas, In compliance with the order of this Commission in Case No. 2628, Service Order "B," New York Rapid Transit Corporation, as successor to the rights and obligation under and pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Rapid Transit Corporation, known as Contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated June 19, 1923, directed to Westinghouse Traction Brake Company for the following:

50 Car Sets Westinghouse Traction Brake Co.'s Automatic Air Brake Equipment Schedule A. T. U. E.....\$637.36 Net Per Car Set F. O. B. your Factory Each set consisting of parts as per list attached.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 356"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 14, 1923, reported that such equipment is necessary for the 50 new steel trailer cars, the contract for which is approved coincidentally herewith and as ordered aforesaid; that the following bid was received for such material:

Westinghouse Traction Brake Co.\$637.36 per car

; that the price is the best obtainable and is reasonable and that said Westinghouse Traction Brake Co. is reliable and competent to provide such material, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 17, 1923, recommended that the cost of such material (as constituting a part of the 50 trailer cars, Series 4000-4049) be classified as Additional Equipment for the Railroad and that Work Order No. MBA-25 be assigned thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Additional Equipment of the Railroad and as to which (as constituting a part of the 50 trailer cars, Series 4000-4049) this Commission assigns Work Order No. MBA-25.

Whereas, In compliance with the order of this Commission in Case No. 2628, Service Order "B," New York Rapid Transit Corporation, as successor to the rights and obligation under and pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Rapid Transit Corporation, known as Contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated June 19, 1923, directed to Westinghouse Traction Brake Company for the following:

50 Car Sets, Westinghouse Traction Brake Company's Variable Load Brake Attachment.....\$465.12 Net per set F. O. B. your Factory Each complete set consisting of parts as per attached list.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 357"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 14, 1923, reported that such equipment is necessary for the 50 new steel trailer cars, the contract for which is approved coincidentally herewith and as ordered aforesaid; that the following bid was received for such material:

Westinghouse Traction Brake Co.\$465.12 per car

; that the price is the best obtainable and is reasonable and that said Westinghouse Traction Brake Co. is reliable and competent to provide such material, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 17, 1923, recommended that the cost of such material (as constituting a part of the 50 trailer cars, Series 4000-4049) be classified as Additional Equipment for the Railroad and that Work Order No. MBA-25 be assigned thereto,

[July 17, 1923

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Additional Equipment of the Railroad and as to which (as constituting a part of the 50 trailer cars, Series 4000-4049) this Commission assigns Work Order No. MBA-25.

Whereas, In compliance with the order of this Commission in Case No. 2628, Service Order "B," New York Rapid Transit Corporation, as successor to the rights and obligation under and pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Rapid Transit Corporation, known as Contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated June 19, 1923, directed to Carnegie Steel Company for the following:

Solid Wrought Carbon Steel Wheels To Be Furnished In Accordance With N. Y. C. R. R. Co. Spec. No. 1001-A Dated July 2, 1920, Revised to Jan. 2, 1923 herewith, and Plans as Indicated.

200 34 $\frac{1}{4}$ " Subway Driver 7" R. B. Sym. E-3-B, Plan 1-M-15497-K, Contour of tread and flange as per Plan 1-M-15722-A furnished.....	\$50.00	Each
200 31" Subway Trailer 6" R. B. Sym. E-1-B, Plan 1-M-15495-G, Contour of tread and flange as per Plan 1-M-15722-A.....	\$40.75	Ea.

Quenched and Tempered Carbon Steel Axles To Be In Accordance with N. Y. C. R. R. Co. Specification No. 1000 Dated July 2, 1920 herewith, and Plans as Indicated.

100 Driver Plan 4-B-60-6 herewith		
100 Trailer " 4-B-40-5 "	\$4.74	100 lbs.

All F. O. B. 40th St. Sta. So. Bklyn. Ry.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 358"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 14, 1923, reported that such equipment is necessary for the 50 new steel trailer cars, the contract for which is approved coincidentally herewith and as ordered aforesaid; that the following bids were received for such material:

Wheels	Driver	Trailer
Carnegie Steel Co. (per wheel)	\$50.00	\$40.75
Edgewater Steel Co.	50.25	41.00
Bethlehem Steel Co.	50.00	40.75
Standard Steel Works Co.	50.00	40.75
Forged Steel Wheel Co.	Could not quote.	

Axles		
Carnegie Steel Co.	\$4.74	per 100 lbs.
Bethlehem Steel Co.	4.74	per 100 lbs.
Camden Forge Co.	6.22 $\frac{1}{2}$	per 100 lbs.
Standard Steel Works Co.	7.40	per 100 lbs.
Pollak Steel Co.	5.12	per 100 lbs.

; that the prices are the best obtainable and are reasonable and that said Carnegie Steel Co. is reliable and competent to provide such material, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 17, 1923, recommended that the cost of such material (as constituting a part of the 50 trailer cars, Series 4000-4049) be classified as Additional Equipment for the Railroad and that Work Order No. MBA-25 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Additional Equipment of the Railroad and as to which (as constituting a part of the 50 Trailer cars, Series 4000-4049) this Commission assigns Work Order No. MBA-25.

Whereas, In compliance with the order of this Commission in Case No. 2628, Service Order "B," New York Rapid Transit Corporation, as successor to the rights and obligation under and pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Rapid Transit Corporation, known as Contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated June 19, 1923, directed to General Electric Company for the following:

Ceiling Fans.

- 250 To be in accordance with N. Y. Con. R. R. Co.'s Specification for fans for Subway Cars, dated May 1, 1919, revised to December 12, 1922. \$35 Each, Freight allowed to 40th Street Station South Brooklyn Railway.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 359"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 14, 1923, reported that such equipment is necessary for the 50 new steel trailer cars, the contract for which is approved coincidentally herewith and as ordered aforesaid; that the following bids were received for such material:

General Electric Co.	\$35.00 per fan
Westinghouse Electric & Mfg. Co.....	37.00 per fan

; that the prices are the best obtainable and are reasonable and that said General Electric Company is reliable and competent to provide such material, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 17, 1923, recommended that the cost of such material (as constituting a part of the 50 trailer cars, Series 4000-4049) be classified as Additional Equipment for the Railroad and that Work Order No. MBA-25 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Additional Equipment of the Railroad and as to which (as constituting a part of the 50 trailer cars, Series 4000-4049) this Commission assigns Work Order No. MBA-25.

Whereas, In compliance with the order of this Commission in Case No. 2628, Service Order "B," New York Rapid Transit Corporation, as successor to the rights and obligation under and pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Rapid Transit Corporation, known as Contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated June 19, 1923, directed to National Safety Car & Equipment Co. for the following:

Hand Straps.

- 1400 R. I. C. O. Metallic Porcelain Enameled, complete M. I. Loop and Hanger, as per Plan 3-B-932 and sample furnished.....\$1.45 Each
F. O. B. 40th Street Station So. Bklyn. Ry.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 360"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 14, 1923, reported that such equipment is necessary for the 50 new steel trailer cars, the contract for which is approved coincidentally herewith and as ordered aforesaid; that the following bids were received for such material:

National Safety Car and Equipment Co.....	\$1.45 each
Railway Improvement Co.....	Could not quote.

; that the prices are the best obtainable and are reasonable and that said National Safety Car and Equipment Co. is reliable and competent to provide such material, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 17, 1923, recommended that the cost of such material (as constituting a part of the 50 trailer cars, Series 4000-4049) be classified as Additional Equipment for the Railroad and that Work Order No. MBA-25 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified as Additional Equipment of the Railroad and as to which (as constituting a part of the 50 trailer cars Series 4000-4049) this Commission assigns Work Order No. MBA-25.

Whereas, This Commission, by resolution adopted co-incidentally herewith, approved the proposed contract between the New York Rapid Transit Corporation and Pressed Steel Car Company for the manufacture and delivery of bodies and trucks for fifty (50) steel passenger cars, Series 4000-4049, together with the plans and specifications therefor, classifying such material as Additional Equipment of the Railroad and assigning Work Order No. MBA-25, all as more particularly set forth in said resolution; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 17, 1923, reported that said New York Rapid Transit Corporation has submitted for the approval of this Commission a proposed change to be made in the form of contract approved as aforesaid and has stated with respect thereto as follows:

"The supplementary agreement covers the assumption by the Transit Corporation of any royalties which may have to be paid for the use of clasp brakes which are standard on the subway cars of the Transit Corporation, for a change in the amount of partial payments to be made to the contractor upon delivery of cars, and for a change in the time of delivery from the definite date of March 1, 1924, to the period commencing 180 days (Sundays and holidays excepted) from the date of the main contract and ending ten weeks thereafter. The Transit Corporation recommends approval of the supplementary agreement. It is satisfactory also from the engineering standpoint."

and recommending the approval of such change.

Resolved, That said proposed contract, as proposed to be amended by said change, be and the same hereby is approved.

965—R. T. 4007

Contract No. 1—Report by Chief Engineer Recommending Approval of Lengthening Local Station Platforms to 480 Feet Instead of 435 Feet as Previously Authorized—Referred to Commissioner O'Ryan

A report was presented from the Chief Engineer, dated June 26, 1923, recommending approval of the lengthening of local station platforms between Brooklyn Bridge and Grand Central Stations and between Times Square and 96th Street Stations, to 480 feet instead of 435 feet as previously authorized.

The matter was referred to Commissioner O'Ryan.

966—R. T. 6567, 6553

Contracts Nos. 3 and 4 and Related Certificates—Report by Special Committee Suggesting Continuance of Modified Procedure for Preparation of Determinations of Cost—Approved

A report was presented from Robert Ridgway, Chief Engineer, George L. Lucas, Acting Chief Executive Officer, H. N. Latey, Engineer of Equipment and Operation, John E. Cooper, Chief of Bureau of Accounting and Valuations, and William G. Fullen, Assistant Counsel, as a Special Committee, dated July 7, 1923, with respect to the

preparation of determinations of cost rendered under Contracts Nos. 3 and 4 and related certificates, with particular reference to the inspection and checking of the work and records of the Lessee Companies, and suggesting a continuance of the modified procedure so as to permit of a reduction in the work involved in the preparation of the determinations.

Upon motion, duly seconded and adopted, the report was approved.

967—C-20575

Smoke Nuisance—Report by Counsel as to Jurisdiction and Powers of Commission—Approved—Letter to Department of Health Authorized

The Secretary presented a report, dated July 12, 1923, by Assistant Counsel Fullen, approved by George O. Redington, Counsel to the Commission, advising with respect to the jurisdiction and powers of the Commission concerning the abatement of smoke nuisance from steam railroads and recommending a plan of procedure to be followed by the Commission.

Thereupon the above mentioned report was approved and a letter to the Commissioner of Health of The City of New York authorized, outlining the plan of procedure to be followed by the Commission and advising that in carrying it out the Commission would endeavor to co-operate with the Department of Health so that in conjunction with the exercise of their jurisdiction complaints might be satisfied.

968—Case No. 1048

Brooklyn City Railroad Company—Fenders and Wheelguards—Resolution Adopted Approving Type of Wheelguards

The Secretary presented a report, dated July 13, 1923, from the Engineer of Equipment and Operation, recommending approval of plan submitted by the Brooklyn City Railroad Company of type of wheelguard known as the Root Spring Life Wheelguard to be used on 200 new cars purchased by the company.

Thereupon the Commission, adopted and ordered filed a Resolution in Case No. 1048 approving the above mentioned type of wheelguard.

969—Case No. 1867

Brooklyn City Railroad Company—Notice of Acquisition of New Equipment—Communication from Company Submitting Blue Print Plans for 200 New Passenger Cars—Report by Engineer of Equipment and Operation—Letter to Company Authorized

The Secretary presented a communication, dated July 5, 1923, from the Brooklyn City Railroad Company, by G. W. Jones, Assistant Secretary, submitting blue print plans for 200 new passenger cars to be operated by the company.

The Secretary also presented a report, dated July 13, 1923, advising that the plans had been examined and were satisfactory and recommending approval of same.

Thereupon the Secretary was authorized to advise the Brooklyn City Railroad Company that the Commission has no criticism to make with respect to said plans.

970—Case No. 2692

The Long Island Railroad Company and Pennsylvania Tunnel and Terminal Railroad Company—Application for Approval of Agreement for Trackage Rights Into and the Use of Pennsylvania Station—Hearing Order

The Secretary presented a communication, dated July 13, 1923, from O'Brien, Boardman, Parker & Fox, Esqs., transmitting joint petition dated June 29, 1923, of The Long Island Railroad Company, by G. LeBoutillier, Vice-President, and Pennsylvania Tunnel and Terminal Railroad Company, by A. J. County, Vice-President, asking for the approval of an agreement dated June 29, 1923, between the companies, effective as of January 1, 1923, for trackage rights into and the use of Pennsylvania Station, Manhattan, and showing an increased rental over the previous operating agreement between the companies.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2692 directing a hearing on July 25, 1923, at 10.30 A. M., with respect to the matter.

971

Railroad Corporations—Grade Crossings—Report by Engineer of Structures—Communication from Board of Estimate and Apportionment Advising of Appointment of Committee to Confer with Representatives of the Long Island Railroad Company—Report and Letter Approved

The Secretary presented a report, dated June 12, 1923, by W. L. Selmer, Engineer of Structures, advising of conference with the engineers of The Long Island Railroad Company and of the Board of Estimate and Apportionment and recommending the elimination of grade crossings of said company on its Montauk Division from Hillside to Springfield.

The Secretary also presented a communication, dated June 8, 1923, from the Board of Estimate and Apportionment advising of the appointment of a committee to confer with representatives of The Long Island Railroad Company relative to depressing the railroad tracks in Atlantic Avenue, Brooklyn.

Thereupon the above mentioned report and letter were approved.

972—Case No. 2253

New York Central Railroad Company et al.—Application of the City of New York for Determination as to Manner in which East 238th Street Shall Cross Companies' Tracks—Letter from Counsel for New York, New Haven and Hartford Railroad Company Requesting Consent to Entry of Stay of Proceedings Pending Determination of Company's Appeal to Court of Appeals—Report by Counsel—Motion Denying Request

The Secretary presented a communication, dated July 13, 1923, from William L. Barnett, Counsel for the New York, New Haven and Hartford Railroad Company, addressed to Counsel to the Commission, requesting consent to the entry of an order staying all proceedings and work under the mandamus order in the case of McAneny vs. New York Central Railroad Company (238th Street) until the determination of the appeal taken by the company to the Court of Appeals.

The Secretary also presented a report, dated July 14, 1923, by Carleton S. Cooke, Assistant Counsel, approved by Counsel to the Commission, requesting instructions with respect to said request.

Thereupon a motion was duly made, seconded and unanimously carried, denying the request aforesaid of Counsel for the New York, New Haven and Hartford Railroad Company and Counsel to the Commission was instructed to press to an early determination the appeal to the Court of Appeals.

973—Case No. 2693

Union Railway Company of New York City—Service on Morris Park Avenue Line—Hearing Order Adopted

The Secretary presented a report, dated July 17, 1923, by the Chief of Transit Bureau, advising that the Union Railway Company of New York City had not resumed service on its Morris Park Avenue Line, between Bronxdale Avenue and Williamsbridge Road in the Borough of The Bronx and recommending a hearing with respect to the matter.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2693, directing a hearing on July 30, 1923, at 10:30 A. M., with respect to the matter, and designating and authorizing George L. Lucas, Acting Chief Executive Officer, to conduct said hearing, to take testimony therein and to report the same with his opinion thereon to the Commission for its decision and determination.

974—Case No. 2694

Railroad and Street Railroad Corporations—Orders, Rules and Regulations to Officers and Employees Relative to Accidents—Order Adopted Requiring Promulgation of Rules

The Commission adopted and ordered filed an Order in Case 2694, in the following form:

At a Meeting of the Transit Commission, held at its office,
No. 49 Lafayette Street, Borough of Manhattan, City
of New York, on the 17th day of July, 1923.

Present:

LEROY T. HARKNESS, Acting Chairman	} COMMISSIONERS
JOHN F. O'RYAN,	

IN THE MATTER

of the

Printing and promulgation of orders, rules and regulations by railroad and street railroad corporations to employees relative to accidents.

CASE No. 2694

ORDER REQUIRING PROMULGATION OF RULES TO EMPLOYEES RELATIVE TO ACCIDENTS.

Whereas, In the operation of rapid transit railroads in The City of New York, and particularly in the performance of the necessary work attendant upon the happening of accidents, by the operating companies and their officers and employees, the effort has apparently been primarily directed to the resumption of service; and

Whereas, This Commission demands that the preservation of the safety, health and convenience of the passengers in said railroads shall, at all times and especially in cases of accident, be the initial consideration of the representatives of the operating companies

and that every attention should be exclusively given to the passengers until that end has been thoroughly accomplished; and

Whereas, This Commission, in the light of conditions in respect to passengers, which obtained in regard to accidents of recent happening, is fully convinced that a more efficient and expeditious procedure with respect to the dissemination of information by the employees of the operating companies to the passengers as to the character, origin and extent of such accidents, and the active prosecution of means to guide and discharge passengers from the railroad structures to the street would have alleviated considerable inconvenience to and have promoted the safety and health of such passengers,

Ordered, That every railroad corporation and street railroad corporation, as said terms are defined in Section 2 of the Public Service Commission Law and being under the jurisdiction of this Commission, are hereby directed and required to forthwith issue orders and to print and promulgate rules and regulations to their and each of their officers and employees to the effect that in the event of the happening of any accident or accidents in the operation, or otherwise, of railroads and street railroads, to at once reasonably inform passengers of the character, cause and extent of such accident and to take immediate action to direct passengers safely to means of egress from the railroad structure of said corporation, if necessary, and to take prompt steps to move trains and/or passengers to the end that the inconvenience and/or danger to passengers shall be entirely obviated or reduced to the lowest possible minimum.

Further Ordered, That every such corporation shall, within five (5) days after the receipt of a certified copy of this order, notify this Commission as to whether it accepts this order and as to whether the requirements hereof will be obeyed.

Further Ordered, That every such corporation shall, within five (5) days after the receipt of a certified copy of this order, notify this Commission as to what rules, directions or orders have been issued to effect a compliance with the terms and intention of this order.

BY THE COMMISSION,
FRANK N. ROBINSON,
Acting Secretary.

975—Case No. 2691

New York and Long Island Traction Company—Application for Permission to File on Short Notice Revised Tariff Sheet Showing Termination of Operation of Service of Brooklyn-Mineola Division at City Line—Report and Opinion by Chief of Transit Bureau—Order Adopted Granting Application

The Secretary presented a Report and Opinion in Case No. 2691, by the Chief of Transit Bureau recommending the granting of the application by the New York and Long Island Traction Company for special permission to file on three days notice an amended schedule providing for the termination of operation on its Brooklyn-Mineola Line at Rosedale, the dividing point between Queens and Nassau Counties, and for the establishment of lines to be operated independently in each of said counties.

Thereupon the above mentioned Report and Opinion in Case No. 2691, was approved and ordered filed and Special Permission No. 749 in Case No. 2691 was adopted and ordered filed, granting the desired permission.

976—Case No. 2631

Brooklyn City Railroad Company—Relocation of Tracks in Fresh Pond Road—Resolution of Board of Estimate and Apportionment Relative to Payment of Cost of Work—Referred to Counsel and Acting Chief Executive Officer

The Secretary presented a certified copy of a resolution, adopted by the Board of Estimate and Apportionment on June 29, 1923, relative to the payment of the City's share for relocating the tracks of the Brooklyn City Railroad Company in Fresh Pond Road, pursuant to the Commission's Order in Case No. 2631.

Thereupon the above mentioned resolution was referred to the Counsel to the Commission and the Acting Chief Executive Officer of the Commission for report.

977

Railroad Corporations—Report by Counsel as to Jurisdiction of Commission Relative to Electrification of Railroads—Filed

The Secretary presented a report, dated July 11, 1923, by W. G. Fullen, Assistant Counsel, approved by Counsel to the Commission, advising that the Commission has no jurisdiction under Section 53-A of Chapter 901 of the Laws of 1923, amending the Public Service Commission Law relative to the electrification of railroads in certain cities.

Thereupon the above mentioned report was ordered filed.

978—Case No. 2679

Brooklyn Rapid Transit Company—Reorganization—Letter from A. E. Mudge Transmitting Copy of Decree of United States District Court Authorizing Receiver to Return Properties of Nassau Electric Railroad Company to Latter Company—Filed

The Secretary presented a communication, from Alfred E. Mudge, Esq., of Counsel for the Stockholders' Committee on Reorganization of the Brooklyn Rapid Transit Company and its subsidiaries, transmitting copy of decree made on July 11, 1923, by Judge Mayer of the United States District Court directing the Receiver of the Nassau Electric Railroad Company to return the properties to said last mentioned company as of midnight between July 14 and July 15, 1923.

Thereupon the above mentioned papers were ordered filed.

979—R. T. 7476

Order No. 7—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Readjustment of Appropriations for Supply of Ties and Timber—Filed

The following certified copy of the resolution, adopted by the Board of Estimate and Apportionment on June 29, 1923, was ordered filed:

(Cal. No. 205)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated June 5, 1923, and without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, the resolution adopted by the Board of Estimate and Apportionment on April 28, 1922, consenting to the contract with the Alfred R. Sax Lumber Company for supply of ties and timber (Order No. 7), for use in the construction of municipal rapid transit railroads, at an estimated cost of \$95,500, and authorizing the Comptroller to issue corporate stock of The City of New York to an amount not exceeding \$95,500, apportioned against Contracts No. 3 and No. 4, be and the same is hereby *amended* by increasing the amount of the subauthorization against the general appropriation for Rapid Transit Contract No. 3 from "seventy-two thousand dollars (\$72,000)" to *seventy-four thousand six hundred dollars (\$74,600)* and also by decreasing the amount of the subauthorization against the general appropriation for Rapid Transit Contract No. 4 from "twenty-three thousand five hundred dollars (\$23,500)" to *twenty thousand nine hundred dollars (\$20,900)*.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 29, 1923.

JAMES MATTHEWS,
Assistant Secretary.

980—R. T. 7011

Contract No. 4—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of Corporate Stock of the City of New York Not to Exceed \$5,000 for Maintenance of Railroad Under Contract Between City of New York and New York Municipal Railway Corporation

The following certified copy of a resolution, adopted by the Board of Estimate and Apportionment on June 29, 1923, was ordered filed:

(Cal. No. 207)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated June 13, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to and approve of the issuance of an additional amount of five thousand dollars (\$5,000) of corporate stock for maintaining the railroad constructed under Contract No. 4, between The City of New York and the New York Municipal Railway Corporation, during the time intervening between the completion of portions of the railroad and the time when such portions are taken over by the City for operation under said Contract No. 4; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be five thousand dollars (\$5,000); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding five thousand dollars (\$5,000) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes aforesaid; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 29, 1923.

JAMES MATTHEWS,
Assistant Secretary.

981—R. T. 7522

Agreement "CM"—Communication from Acting Corporation Counsel Returning, Approved as to Form, Proposed Contract for Changes in Subway Structure to Permit Raising of Grade of North Jane Street, Borough of Queens—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated July 9, 1923, returning approved as to form, a proposed contract with Hamme & Jackson, Inc., for making changes in the subway structure of Route No. 61 so as to permit the raising of the street grade of North Jane Street, Borough of Queens.

982—R. T. 7658, 7571

Contract No. 1 and Route No. 48—Communication from Acting Corporation Counsel Returning, Approved as to Form, Proposed Agreements for Additional Stairway at 225th Street Station and for Ventilating Manhole in Mail Street—Filed

The Commission ordered filed a communication, dated July 10, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning, approved as to form, two proposed agreements with the Interborough Rapid Transit Company, one for the construction of an additional stairway at the 225th Street Station of the Manhattan-Bronx Rapid Transit Railroad and the other for the construction of a ventilating manhole in Mail Street, Borough of Manhattan.

983—R. T. 6407

Route No. 52—Communication from Interborough Rapid Transit Company Acquiescing in Addition of Flushing Line as Extension—Filed

The following communication from the Interborough Rapid Transit Company was ordered filed:

July 12, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Gentlemen:

Under date of March 13, 1923, you formally notified this Company, in pursuance of the provisions of Article LXXII of Contract No. 3, of your determination to construct an Extension from the present terminus of Subdivision V of the Queensboro Subway Line to Main Street, Flushing, and under date of June 13, 1923, a stipulation was entered into between your Commission and this Company, whereby the time within which this Company should inform your Commission, in accordance with the provisions of said Article LXXII, whether it acquiesces in the addition to the so-called Flushing Extension was extended to and including July 14, 1923. Thereafter, and under date of July 5, 1923, I addressed a communication to you setting forth this Company's views in respect of the interpretation of the various provisions of Contract No. 3, in the event of this Company's acquiescence in the addition of said Extension, to which your Commission by its Secretary responded under date of July 10, 1923.

You are now hereby informed that this Company acquiesces in the addition of said Extension.

Very truly yours,

FRANK HEDLEY,

President and General Manager.

984

Contracts Nos. 3 and 4—Communications from Interborough Rapid Transit Company and New York Rapid Transit Corporation Advising of the Appointment of Engineers to Make an Inspection and Report Upon the Condition of Mechanical and Electrical Apparatus Used on Cars—Filed

The Commission ordered filed two communications, one from the Interborough Rapid Transit Company, dated July 9, 1923, and one from the New York Rapid Transit Corporation, dated July 11, 1923, advising of the appointment of the General Electric Company and the Westinghouse Electric & Manufacturing Company, associated with the Westinghouse Traction Brake Company, to make an investigation and report upon the condition of the mechanical and electrical apparatus used on the companies' cars, also a report covering the character of maintenance that the companies are applying to such rolling stock, in accordance with the suggestion of the Commission that two sets of engineers be appointed for such purpose.

985—R. T. 7601

Route No. 52, Section No. 1—Notice by Acting Chief Engineer of Commencement of Work for Supply and Erection of Structural Steel—Filed

The Commission ordered filed a notice from the Acting Chief Engineer, dated July 11, 1923, advising of the commencement of work on June 21, 1923, by McClintic-Marshall Company for the supply and erection of structural steel on Section No. 1 of Route No. 52, Flushing Line.

986

Employees' Calendar No. 154

On motion, duly seconded, the following resolution was unanimously adopted:

Appointment—Irene M. Quinn, stenographer, at \$90.00 per month; to take effect July 16, 1923.

Appointment Under Rule VIII:4—Herbert Steinbeck, draftsman, at \$150.08 per month; to take effect July 10, 1923.

Resignations—Louis Chesir, draftsman, at \$150.08 per month; to take effect July 16, 1923; George H. Harp, junior engineer, at \$180.00 per month; to take effect July 16, 1923; Peter E. Rattinger, draftsman, at \$150.08 per month; to take effect July 14, 1923; Abraham Skeer, junior assistant, at \$125.08 per month; to take effect July 16, 1923; S. E. Van Hoesen, junior electrical engineer, at \$180.00 per month; to take effect August 16, 1923.

Change of Item in Resolution of April 10, 1923, Concerning Julio M. Conesa, so as to Read as Follows: (Appointment under Rule VIII:4)—Julio M. Conesa, architectural draftsman, at \$150.08 per month; to take effect April 10, 1923.

Leave of Absence with Pay—Mollie Ornstein, stenographer, from June 11, 1923, to June 26, 1923.

987

Voucher Schedule No. 29

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct:

Vouchers Nos. 712-727, open market orders, \$1,423.02; Vouchers Nos. 362-373, miscellaneous bills, \$2,256.32; Vouchers Nos. 126-143, City payrolls, \$176,388.20; Vouchers Nos. CM-14 and CM-15, State Payroll, \$5,083.32.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 181, Alfred R. Sax Lumber Co., final estimate for the supply of ties and timber, Order No. 7, to May 12, 1923 (R. T. 7496), \$2,667.55;

Voucher No. 182, Joslin Construction Co., Inc.; approximate estimate No. 11 for the reconstruction of a part of the Queensboro Subway Rapid Transit Railroad, Route No. 26, Jackson Avenue station, from June 1 to June 30, 1923 (R. T. 7556), \$12,132.48;

Voucher No. 183, Powers-Kennedy Contracting Corporation, approximate estimate No. 13, for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Routes Nos. 35 and 67, from June 1, 1923, to June 30, 1923 (R. T. 7584), \$58,565.68;

Voucher No. 184, T. H. Reynolds Contracting Co., Inc.; approximate estimate No. 7 for the installation of tracks in Sections Nos. 1-5, inclusive, Route No. 8, from June 1, 1923, to June 30, 1923 (R. T. 7536), \$8,978.92;

Voucher No. 185; George Colon Company; supplementary approximate estimate No. 1-A for the construction of Union Square Passageway, Routes Nos. 5 and 8, from May 17, 1922, to April 26, 1923 (R. T. 7513), \$2,134.66;

Voucher No. 186, Slattery Engineering Construction Co., Inc.; approximate estimate No. 8 for the construction of additional approach track, Lenox Avenue and 148th St. Yard, under Contract No. 3, from June 1, 1923, to June 30, 1923 (R. T. 7366), \$20,674.35;

Voucher No. 187, Benedetto & Saussez; approximate estimate No. 3, for making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad at various locations to permit widening of streets, from June 1, 1923, to June 30, 1923 (R. T. 7635), \$2,640.29;

Voucher No. 188; Jobson-Gifford Co.; approximate estimate No. 1 for making changes in steel work at easterly approach to Queensboro Plaza station, Routes Nos. 36 & 37, Section No. 1, from December 2, 1922, to June 30, 1923 (R. T. 7573), \$9,951.11;

Voucher No. 189; Charles H. Brown & Son Corporation, Assignee; approximate estimate No. 17, for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8, from June 16, 1923, to July 15, 1923 (R. T. 7539), \$9,260.93.

FRANK M. ROBINSON,
Acting Secretary.

Proceedings for Friday, July 20, 1923

988

Hearing

The following hearing was adjourned:

10:30 A. M. Case 2695: Proposed reconstruction of 33d Street Station from local to express stop, Lexington-Fourth Avenue Subway Line. Adjourned to July 26, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, July 24, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

989—R. T. 7684

Agreement "CO"—Form of Contract, Specifications, Invitation to Contractors, etc., for Miscellaneous Drainage and Sewer Construction in Parts of Manhattan, Brooklyn and Queens—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed invitation to Contractors, information for contractors and forms of contract, bond and contractors' proposal, together with the specifications and contract drawings for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens (Agreement "CO")—

Resolved, That said invitation to contractors, information for contractors and forms of contract, bond and contractors' proposal, together with specifications and contract drawings for miscellaneous drainage and sewer construction in the Borough of Manhattan, Brooklyn and Queens (Agreement "CO"), be and are hereby approved and adopted, and that said invitation to contractors be published in the City Record every day of publication continuously from and including July 27, 1923, to and including August 10, 1923, and on July 30, 1923, and August 6, 1923, in Journal of Commerce and The Brooklyn Daily Times, daily newspapers published in the City of New York, and that such bids as shall be received shall on the 10th day of August, 1923, at 11:30 o'clock A. M. or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission at the office of the Transit Commission and read.

990—R. T. 7368

Contract No. 3—Report by Chief Engineer Recommending Establishment of Supplementary Schedule Item for Concrete Walls Under Contract for Second Addition to Shops at Lenox Avenue and 148th Street Yard—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer, dated July 18, 1923, recommending the establishment of a supplementary schedule item of \$25 per cubic yard for concrete walls under the contract for the Second Addition to Shops at the Lenox Avenue and 148th Street Yard.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission, by communication dated July 18, 1923, has, for the reasons herein more particularly set forth, recommended the establishment of a supplemental unit price for 8-inch concrete walls in the construction of Second Addition to Shops at Lenox Avenue and 148th Street Yard, pursuant to the contract dated August 3, 1922, between The City of New York, acting by this Commission, and Jacob Schlesinger, Inc., for the performance of such work, the estimated cost under such proposed supplemental unit price exceeding the limitation set forth in the third paragraph of Item 150 of said contract; and

Whereas, Counsel has prepared and submitted a proposed communication to the Board of Estimate and Apportionment requesting its consent as required by said contract to the establishment of said supplemental unit price,

Resolved, That said report and recommendation be and the same hereby is approved, that the said communication so submitted be and the same hereby is adopted and that it be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

July 24, 1923.

**BOARD OF ESTIMATE AND APPOINTMENT
OF THE CITY OF NEW YORK:**
Gentlemen:

The Chief Engineer of this Commission, in a communication dated July 18, 1923, has reported with respect to the work under the contract dated August 3, 1922, between The City of New York, acting by the Transit Commission, and Jacob Schlesinger, Inc., for the construction of Second Addition to Shops at the Lenox Avenue and 148th Street Yard as part of the Railroad described in the contract dated March 19, 1913, known as Contract No. 3, as follows:

"In a letter dated March 27th, J. Schlesinger, Inc., Contractor for the above job, stated that the difficulty in obtaining good brick was so great that it was desirable to construct the 12-inch walls of concrete instead of brick as shown on the plans, and submitted a price of \$23 per cu. yd.

A resolution was passed by the Commission on May 8th, requesting the Board of Estimate and Apportionment to approve of the new schedule item.

Recently a letter was received from the Contractor, stating that the difficulties of brick construction are now so acute, that they wish to eliminate all brick work from the job, and request that they be permitted to build 8" walls, called for on the drawing, of concrete at \$28.00 per cubic yard, which is the price for brick work. We objected to this price, and on July 17th a letter was received submitting a new price of \$25.00 per cubic yard.

There are about 240 cubic yards of 8" wall. The reduction of \$3.00 per yard represents a saving to the City of about \$720. Inasmuch as the form work is more expensive for 8" walls than for 12" walls, we consider \$25.00 a reasonable price. Concrete walls furthermore are entirely satisfactory.

Recommendation: I therefore respectfully recommend the approval of the supplementary schedule No. 9W for 8" walls in place with a neat smooth finished surface at \$25.00 per cubic yard, and as this item exceeds the limit fixed under item 150 of the Contract, that the Board of Estimate be requested to establish this supplementary schedule item. Resolution is attached."

The resolution proposed to be adopted to effect such recommendation which has been approved by this Commission is as follows:

"Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item 150 of the contract dated August 3, 1922, between The City of New York acting by the Transit Commission and Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops at the Lenox Avenue Yard, under Contract No. 3, having, subject to the approval of the Commission, agreed with the said contractor on the following supplementary schedule item:

Item No. 9-W—For 8" concrete wall in place with a neat smooth finished surface at \$25.00 per cubic yard.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved."

Item 150 of said contract provides in the third paragraph thereof as follows:

* * * "In the case of any single order of work or materials, or both, for a particular job or purpose where the lump sum price for such order to be agreed upon under the provisions of this paragraph or the estimated cost of such order according to the unit prices therefor to be agreed upon under the provisions of this paragraph shall exceed five thousand dollars (\$5,000), such agreement shall not be binding upon the City until the Board of Estimate and Apportionment shall approve or consent to such agreement or such lump sum price or such unit prices."

Inasmuch as the estimated cost under the proposed supplemental unit price exceeds the limitation set forth in Item 150 the consent of your Honorable Board to the establishment of said supplemental unit price is necessary.

Your Honorable Board is therefore requested to consent to the establishment of said supplemental price as hereinbefore set forth for the purposes herein referred to.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

991—R. T. 7653

Agreement "CN"—Communication from Board of Estimate and Apportionment Referring Back Proposed Contract with D. C. Serber for Changes in Subway Structure and Construction of Ventilation Flue at Broadway and West 32nd Street—Referred to Chief Engineer

The following communication and enclosure were referred to the Chief Engineer:

(Cal. No. 174)

July 13, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

Enclosed please find copy of report prepared in this office relative to your communication dated June 27, 1923, submitting for the consent of the Board, proposed contract with D. C. Serber (Agreement "CN") for making changes in the subway structure at Broadway and West 32d street, Borough of Manhattan, and the construction of ventilation flue in the Broadway-Fourth Avenue Rapid Transit Railroad at West 32d street and Broadway, Routes Nos. 4 and 36, Section No. 2.

At the meeting of the Board of Estimate and Apportionment on July 13, 1923, this matter was referred back to the Transit Commission for re-advertising.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

[July 24, 1923]

The enclosure referred to in the above communication was as follows:

July 2, 1923.

To the BOARD OF ESTIMATE AND APPORTIONMENT,
Gentlemen:

Calendar No. 551—June 29, 1923.

Communication, dated June 27, 1923, from the Transit Commission, submitting for the consent of the Board proposed contract with D. C. Serber (Agreement "CN") for making changes in the subway structure at Broadway and West 32nd street, Borough of Manhattan, and the construction of ventilation flue in the Broadway-Fourth Avenue Rapid Transit Railroad at West 32nd Street and Broadway, Routes Nos. 4 and 36, Section No. 2, and requesting the Board to appropriate as a subauthorization under Contract No. 4, the sum of \$34,200 to meet the City's obligations under said proposed contract. Also requesting that \$1,000 of the appropriation authorized April 6, 1923 (Cal. No. 322), be applied towards said proposed contract for widening 32nd Street.

On June 21, 1923, the Transit Commission opened four bids submitted in itemized form prepared by the Commission, for the work of making changes in the subway structure and constructing a ventilating flue from the subway to the street at West 32nd Street and Broadway, Manhattan. The bids when summarized were as follows:

Benedetto & Saussez.....	\$29,550
D. C. Serber.....	35,200
I. J. Stander.....	37,905
Wagner Eng. Co.....	41,347

The lowest bidder, Benedetto & Saussez, is in default to the City and the Transit Commission has ruled that under Section 419 of the Charter is not eligible for further City contracts. The Commission, therefore, awarded the contract to the second lowest bidder in the amount of his bid, subject to the consent and approval of the Board of Estimate and Apportionment.

The work included within this contract is to provide a ventilating flue in which a fan will be installed to ventilate the Broadway-Fourth Avenue Subway and the 33rd Street Station. Provision was made in the original construction contract for a ventilating duct and grating, but for reasons which appeared sufficient at the time the ventilating shaft and grating were omitted altogether. It is now proposed to remedy that omission by constructing a ventilating flue on the west side of Broadway.

The Commission also includes within this contract the making of the necessary changes in the subway structure at the northeast corner of 32nd Street and Broadway incidental to the widening of Broadway by the Borough President. For this item the Board appropriated \$1,000 on April 6, 1923.

I concur in the judgment of the Transit Commission in withholding the award from the lowest bidder, but, in my opinion, there are reasons why the award to the second lowest bidder should not be approved.

I have examined the bidding sheet with some care, and I doubt if I have ever seen such irregular bidding when there were no more than four bidders. The irregularities extend throughout the entire list and are such that I should be constrained to recommend the rejection of all the bids on the ground of the irregular and unbalanced unit prices submitted.

The second reason why the Board should withhold its consent to the award made by the Transit Commission is because the second lowest bid exceeds the engineer's estimate by more than twenty-seven per cent.

Another and a third reason why I think it would be unwise to approve this contract is because there is no such impelling urgency for the immediate prosecution of the work as would warrant the acceptance of any bid which appeared to be not to the best interest of the City.

I recommend, therefore, that the Board withhold its consent to the proposed contract as requested by the Transit Commission and refer the same back to the Commission for re-advertising.

Respectfully,
JAMES W. REED,
Assistant Engineer.

Concurred in—
A. G. CULVER,
Assistant Engineer

July 24, 1923]

714

992—R. T. 7605

Routes Nos. 35 & 67—Communication from Board of Estimate and Apportionment Submitting Copy of Letter from Commissioner of Parks Agreeing to Location of Subway Entrances in Bryant Park Similar to Those at 59th Street and Fifth Avenue, Central Park—Referred to Chief Engineer

The following communication and enclosure were referred to the Chief Engineer :

CITY OF NEW YORK
BOARD OF ESTIMATE AND APPORTIONMENT
Office of the Secretary
Municipal Building
(Cal. No. 238)

July 13, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen :

Enclosed herewith for your information, is copy of a report of the Commissioner of Parks, Borough of Manhattan, relative to the communication from the President of the Borough of Manhattan with reference to the location of subway entrances to the Queensboro Subway on the sidewalks of 42d street between 5th and 6th avenues, Borough of Manhattan.

At the meeting of the Board of Estimate and Apportionment on July 13, 1923, this matter was referred to the Transit Commission.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

The enclosure referred to in the above communication was as follows :

July 2, 1923.

Mr. JAMES MATTHEWS,
Assistant Secretary,
BOARD OF ESTIMATE AND APPORTIONMENT,
THE CITY OF NEW YORK.
Dear Sir :

I beg to acknowledge the receipt of your letter of June 29th, transmitting a letter from Hon. Julius Miller, President, Borough of Manhattan, in reference to the location of subway entrances to the Queensboro Subway on the sidewalks of 42nd Street, between 5th and 6th Avenues, Borough of Manhattan.

This department is willing to issue permits for the construction of these entrances within the park. It is, however, not willing to accept the plans of the Transit Commission as originally presented. If the Commission will agree to place their entrances in Bryant Park adjacent to the fence, similar to those at 59th Street and 5th Avenue, Central Park, this department will give permission to have them so constructed.

I would suggest that the Engineers of the Transit Commission arrange for a consultation with the Landscape Architect of this department in order that definite plans may be decided upon.

Yours very truly,
FRANCIS D. GALLATIN,
Commissioner of Parks,
Manhattan.

993—R. T. 6881

Order No. 3—Certificate by Chief Engineer of Completion of Contract for Loading, Hauling and Storing Ties and Timber—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved :

July 18, 1923.

TO TRANSIT COMMISSION :

Certificate of Completion: Transporting and Storing Ties and Timber.

In connection with the contract dated December 20, 1918, between the City of New York and John C. Orr Company for loading, hauling and storing ties and timber, I hereby

[July 24, 1923

certify that the work was completed in accordance with the provisions of the contract. The total cost of the work was \$5,815.21.

Recommended, that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
Transit Commission.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission by communication dated July 18, 1923, has reported that all the work required under the contract dated December 20, 1918, between The City of New York, acting by the Public Service Commission for the First District, and John C. Orr Company for loading, hauling and storing ties and timber for use in the construction of municipal rapid transit railroads was in all respects completed; that the total amount due therefor was \$5,815.21 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York,

Resolved, That said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

994—R. T. 6361, 7605

Routes Nos. 4 & 36 and 35 & 67—Letter from Counsel Submitting Proposed Agreement with New York Rapid Transit Corporation and Interborough Rapid Transit Company for Connecting Passageway at Times Square—Approval Resolution

A letter was presented from Counsel, dated July 20, 1923, submitting a proposed agreement between the City of New York, acting by the Transit Commission, New York Rapid Transit Corporation and the Interborough Rapid Transit Company providing for the construction, maintenance and operation of a connecting passageway between Times Square Station of the Queensboro Subway and the Broadway-4th Avenue Line.

The following resolution was adopted:

Whereas, Counsel with his letter dated July 20, 1923 has submitted to this Commission a proposed form of agreement between The City of New York, New York Rapid Transit Corporation and the Interborough Rapid Transit Company, for the construction, maintenance and operation of a connecting passageway between the Times Square station of the Queensboro subway and the Broadway-4th Avenue Line; and

Whereas, The proposed agreement has been approved by the Chief Engineer of the Commission,

Resolved, That said proposed agreement in the form so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they are authorized to execute the same.

995—R. T. 6924

Routes Nos. 19 & 22, Section No. 2—Proposed Permit Issued by Interborough Rapid Transit Company to Union Railway Company of New York City to Attach Cables to Bridge Over Bronx River—Reports by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

A proposed permit was presented from the Third Avenue Railway System, issued by the Interborough Rapid Transit Company to the Union Railway Company of New York City, granting the right to attach cables to the rapid transit bridge crossing the Bronx River, Routes Nos. 19 & 22, Section No. 2.

Reports were presented from the Engineer of Equipment and Operation and the

Chief Engineer dated June 5, 1923 and July 18, 1923, recommending that the proposed permit be approved.

The following resolution was adopted:

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have, by communication dated June 5, 1923, reported that a proposed permit was submitted for the approval of this Commission in behalf of the Third Avenue Railway System under date of May 11, 1923, issued by Interborough Rapid Transit Company under date of April 19, 1923 to Union Railway Company of New York City and accepted by the latter on April 19, 1923, granting the right and privilege to attach to the municipal rapid transit elevated railroad crossing the Bronx River over and along Westchester Avenue, in the Borough of The Bronx, 6 one million C. M. weatherproof cables and for the reason therein more particularly set forth, as amplified by their subsequent communication dated July 18, 1923 with respect to the same subject, have recommended the approval of said proposed permit; and

Whereas, Counsel has examined said proposed permit and now finds no objection thereto,

Resolved, That said report and recommendation be and the same hereby is approved; that the said proposed permit so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

996—R. T. 6567, 6553

Contracts Nos. 3 and 4 and Related Certificates—Form of Communication to Interborough Rapid Transit Company and New York Rapid Transit Corporation Notifying Them to Comply with Procedure for Preparation of Determinations of Costs as Recommended in Report by Special Committee—Approved

The following form of communication to the Interborough Rapid Transit Company and the New York Rapid Transit Corporation was approved:

"The Transit Commission, at its meeting of July 17, 1923, approved the report of its Special Committee, appointed to consider the modifications necessary in the procedure now followed in the preparation of the determinations of cost under Contracts Nos. 3 and 4 and the Related Certificates, with a view to a reduction in the work involved. Included in the recommendations so approved is the following:

- (2) Upon the making and reporting by the lessee company of expenditures following such Commission approval of the particular units, such tests should be made by this Commission's staff as may be deemed necessary to establish the substantial accuracy of the lessee's procedure and a compliance with the contracts in accordance with the terms of the Commission's approval. The reports submitted by the lessee company for the determinations should be verified by the Lessee's Chief Accounting Officer, whereby that officer states under oath that the reports submitted are accurate and have been made in accordance with the provisions of the Contracts (No. 3 or 4 and the Related Certificates), the particular contract or order under which the work is performed, and as directed in the Commission's approval resolutions.

You are hereby accordingly notified, in accordance with the provisions of Contract No. 3 or 4 and the related certificates for additional tracks and elevated extensions, to comply with the foregoing requirement on and after the date of receipt of this communication."

997—R. T. 6685

Route No. 33, Section No. 3—Report by Engineer of Equipment and Operation and Chief Engineer Recommending that New York Rapid Transit Corporation Be Ordered to Install Escalator at Lawrence Street Station—Letter to Company—Approved

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated July 21, 1923, recommending that the New York Rapid Transit

[July 24, 1923

be ordered to install an escalator without delay at the Lawrence Street Station of the Montague Street Line.

The following communication was approved:

July 24, 1923.

NEW YORK RAPID TRANSIT CORPORATION,
85 Clinton Street,
Brooklyn, N. Y.

Dear Sirs:

The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 21, 1923, reported with respect to the necessities for the early installation of an escalator at the Lawrence Street Station of the Montague Street Line of the railroad described in the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4, as follows:

"In my opinion, the escalator should be ready for service as soon as the station is opened. It is estimated that this station will be ready for use in the early part of 1924. It will take six to eight months to obtain an escalator; consequently, no time should be lost if this escalator is to be placed in operation at the time the station is opened for service.

The depth of the station platform below the street is such as to justify the escalator. It is estimated that the initial traffic at this station will warrant its installation; in which opinion the Transit Bureau concurs."

In accordance with the provisions of Article XL of said Contract No. 4 you, as successor to the rights and obligations under said Contract No. 4, are ordered to begin forthwith and to diligently proceed with the installation of the escalator at said station.

Very truly yours,

JAMES B. WALKER,
Secretary."

998—R. T. 7007

Contract No. 1—Applications by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Orders for Battery Boxes and Hangers, Brakes and Battery Cradles for Installation in Connection with Multiple Door Control on 982 Subway Cars—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolutions.

Applications were presented from the Interborough Rapid Transit Company, dated July 3, 1923 and July 5, 1923, requesting approval of two proposed purchasing agent's orders, one directed to Fred Buse Company for furnishing wooden battery boxes at a cost of \$7,109.40, and the other on R. Steel & Sons for furnishing hangers, brakes and battery cradles at a total cost of \$7,716.20, to be installed in connection with multiple door control on 982 subway cars.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 12, 1923, recommending that the applications be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment under Contract No. 1, to be paid out of moneys provided by the Saratoga Award.

The following resolutions were adopted:

Whereas, By order adopted on the 15th day of December, 1920, the Transit Construction Commissioner, in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911, modifying the contract dated February 21, 1900, known as Contract No. 1, for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit

Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911, and by orders adopted coincidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922 for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923 the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922 as modified by communication dated January 17, 1923 for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with the foregoing Interborough Rapid Transit Company has submitted for the approval of this Commission, proposed purchasing agent's order dated July 5, 1923, directed to R. Steel and Sons for the following:

Item No.

1	820 Hangers, emergency door opening battery cradle, Det. 1, B/P 10447-A and Spec. 64-A.	
	Price, \$0.41 each	\$336.20
2	820 Hangers, emergency door opening battery cradle, Det. 2, B/P 10447-A and Spec. 64-A.	
	Price, \$0.40 each	328.00
3	1,640 Hangers, emergency door opening battery cradle, Det. 3, B/P 10447-A and Spec. 64-A.	
	Price, \$0.50 each	820.00
4	820 Brackets, emergency door opening, battery cradle, pipe, Det. 4, B/P 10447-A.	
	Price, \$0.10 each	82.00
5	820 Cradles, battery, emergency door opening, assembled complete, B/P 10449-A and Spec. 64-A.	
	Price, \$7.50 each	6,150.00
	Total	\$7,716.20

Terms: 1% ten days.

To be delivered to our 128th Street and Second Avenue Storehouse, New York, N. Y.

To be delivered as follows:

- 5% of each item at once.
- 5% of each item by July 17, 1923.
- 10% of each item by August 1st, 1923.
- 20% of each item by September 1st, 1923.
- 30% of each item by October 1st, 1923.
- 30% of each item by November 1st, 1923.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 495"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 12, 1923, reported that the following bids were received:

	Item No. 1	No. 2	No. 3	No. 4	No. 5	
R. Steel and Sons.....	\$0.41 each	\$0.40	\$0.50	\$0.10	\$7.50	\$7,716.20-1%
P. H. Gill and Sons.....	.60 "	.55	.60	.10	8.00	
Columbia Machine Wks. and Malleable Iron Co.	1.50 "	1.40	1.10	.15	10.00	

; that the material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved,

Resolved, That the said report and recommendation be and the same hereby is approved; that said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission, made part of said proposed purchasing agent's order.

Whereas, By order adopted on the 15th day of December, 1920, the Transit Construction Commissioner, in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911, modifying the contract dated February 21, 1900, known as Contract No. 1, for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911, and by orders adopted coincidentally therewith modified the order of April 23, 1920, aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of The City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922, for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922, as modified by communication dated January 17, 1923, for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with the foregoing, Interborough Rapid Transit Company has submitted for the approval of this Commission, proposed purchasing agent's order dated July 3, 1923, directed to Fred Buse Company for the following:

820 Boxes, wood, emergency door opening, battery, complete, B/P 10448-A.
 Price: \$8.67 each, including all hardware \$7,109 40
 Deliveries to be made to our 128th Street and Second Avenue Storehouse,
 as follows:
 5% at once.
 5% by July 17th, 1923.
 10% by August 1st, 1923.
 20% by September 1st, 1923.
 30% by October 1st, 1923.
 30% by November 1st, 1923.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 494"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 12, 1923, reported that the following bids were received:

Fred Buse Company.....	\$8 67 each	\$7,109 40
Bayside Sash and Door Co.	10 00 each	
Bossert and Sons.....	No bid.	

; that the material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved,

Resolved, That the said report and recommendation be and the same hereby is approved; that said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission, made part of said proposed purchasing agent's order.

999—R. T. 7007

Contract No. 1—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Unilets and Covers for Installation in Connection with Multiple Door Control on 982 Subway Cars—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated July 6, 1923, requesting approval of a proposed purchasing agent's order directed to Sibley Pitman Electric Corporation for furnishing unilets and covers at a cost of \$2,208.96 to be installed in connection with multiple door control on 982 subway cars.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 13, 1923, recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations, dated July 19, 1923, classifying the cost as a charge to Operating Materials and Supplies Account to be paid out of moneys provided by the Saratoga Award.

The following resolution was adopted:

Whereas, By order adopted on the 15th day of December, 1920, the Transit Construction Commissioner, in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911, modifying the contract dated February 21, 1900, known as Contract No. 1, for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911, and by orders adopted coincidentally therewith modified the order of April 23, 1920 aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of The City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922, for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated May 25, 1922, as modified by communication dated January 17, 1923, for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with the foregoing, Interborough Rapid Transit Company has submitted for the approval of this Commission proposed purchasing agent's order dated July 6, 1923, directed to Sibley Pitman Electric Corporation for the following:

3,200 Unilets, ½" T, without covers, hot galv. finished, No. 9003.	
Price: \$34.56 per C.....	\$1,105 92
2,900 Unilets, ½" straight, without covers, hot galv. finished, No. 9002.	
Price: \$25.92 per C.....	751 68

6,100 Covers, 1/2" Blank Metal Unilet, hot galv. finished, No. 6000.	
Price: \$5.76 per C.....	351 36
Total	\$2,208 96
Terms: 2% ten days.	
To be delivered to our 128th St. and Second Avenue Storehouse, as follows:	
20% of each item at once.	
20% of each item by July 20th, 1923.	
20% of each item monthly thereafter.	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 496"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 13, 1923, reported that the following bids were received:

Sibley Pitman Electric Corp.....	\$2,208.96—2%
Western Electric Company	2,208.96
Crannell, Nugent and Kranzer.....	2,208.96
Nugent Electrical Supply Co.....	2,208.96
Lehigh Electrical Co.	2,208.96
Manhattan Electrical Supply Co.....	2,208.96
Tidewater Electric Company.....	2,208.96
E. B. Latham and Company.....	2,208.96
Stanley and Patterson	No bid.

; that the material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 19, 1923, recommended that said proposed purchasing agent's order be approved upon the following conditions:

"(1) That the cost of the unilets and covers required for original installation in the 982 subway cars be classified as Contract No. 1 Equipment in so far as cost is paid out of moneys provided under the Saratoga Award.

(2) That the cost of the unilets and covers in excess of the number required for original installation in the 982 subway cars be charged to Operating Materials and Supplies Account."

Resolved, That said reports and recommendations be and the same hereby are approved, that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such approval being given upon condition (1) that the cost of the unilets and covers required for original installation in the 982 subway cars be classified as Contract No. 1 Equipment in so far as cost is paid out of moneys provided under the Saratoga Award, and (2) that the cost of the unilets and covers in excess of the number required for original installation in the 982 subway cars be charged to Operating Materials and Supplies Account.

1000—R. T. 7007

Contract No. 1—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Cable for Installation in Connection with Multiple Door Control of 982 Subway Cars—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated July 6, 1923, requesting approval of a proposed purchasing agent's order directed to Okonite Company for furnishing 850,000 feet of cable at a cost of \$20,655, for use in connection with multiple door control on 982 subway cars.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 14, 1923, recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations, dated July 20, 1923, classifying the cost as a charge to Operating Materials and Supplies Account to be paid out of moneys provided by the Saratoga Award.

The following resolution was adopted:

Whereas, By order adopted on the 15th day of December, 1920, the Transit Construction Commissioner, in pursuance of his finding aforesaid and of the provisions of the agreement dated December 30, 1911, modifying the contract dated February 21, 1900, known as Contract No. 1, for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, approved the requisition of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated July 12, 1920, for the utilization of \$1,750,000 of the award of \$2,260,534.58, being the amount of the arbitration award agreed upon, as more particularly set forth in said agreement of December 30, 1911, and by orders adopted coincidentally therewith modified the order of April 23, 1920, aforesaid and approved a certain stipulation between the Transit Construction Commissioner and the Interborough Rapid Transit Company with respect to the classification of the expenditure of such portion of said arbitration award and thereafter certified to the Comptroller of the City of New York for payment a voucher in the sum of \$1,750,000 in accordance with his said action; and

Whereas, By resolution adopted August 2, 1921, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company, dated June 17, 1922, for the payment of \$204,318 to be used for the purposes of completing the installation of such multiple car door control device as a second installment of the net amount of said arbitration award; and

Whereas, By resolution adopted January 30, 1923, the Transit Commission approved the application of Interborough Rapid Transit Company and Rapid Transit Subway Construction Company dated May 25, 1922, as modified by communication dated January 17, 1923, for the payment of \$270,139 to be used for the purpose of completing the installation of such multiple car door control device as a third installment of the net amount of said arbitration award; and

Whereas, In accordance with the foregoing Interborough Rapid Transit Company has submitted for the approval of this Commission, proposed purchasing agent's order dated July 6, 1923, directed to Okonite Company for the following:

850,000 Ft. Cable, 19—No. 25, single conductor insulated, single braid
 (O. D. must not exceed .250") as per spec. 34-T.
 Price: \$24.30 per M. Ft. \$20,655.00
 Terms: 2% ten days.

Deliveries to be made as follows, to our 128th Street and Second Avenue Storehouse:

20% by September 1st, 1923.
 20% monthly thereafter.

NOTE—It is recommended that this order be placed with Okonite Company, as our Car Equipment Department Engineers prefer that Company's cable which is to be used in connection with the installation of couplers, jumpers and door control safety interlocking system on 982 low voltage cars, on account of the importance to maintain safety and reliability.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 490"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have, by communication dated July 14, 1923, reported that the following bid was received:

Okonite Co. \$20,655.00

; that the material is necessary and the price therefor reasonable and recommend that said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 20, 1923, recommended that said proposed purchasing agent's order be approved upon the following conditions:

- (1) That the cost of the unilets and covers required for original installation in the 982 subway cars be classified as Contract No. 1 Equipment in so far as cost is paid out of moneys provided under the Saratoga Award.
- (2) That the cost of the unilets and covers in excess of the number required for original installation in the 982 subway cars be charged to Operating Materials and Supplies Account."

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such approval being given upon condition (1) that the cost of the unilets and covers required for original installation in the 982 subway cars be classified as Contract No. 1 Equipment in so far as cost is paid out of moneys provided under the Saratoga Award, and (2) that the cost of the unilets and covers in excess of the number required for original installation in the 982 subway cars be charged to Operating Materials and Supplies Account.

1001—R. T. 6114

Contract No. 1—Application by Interborough Rapid Transit Company for Approval of Installation of Various Items of Equipment for New Entrance to 168th Street Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. ICqA-7—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated May 21, 1923, requesting approval of the installation of various items of equipment for the new entrance to the 168th Street Station of the Manhattan-Bronx Rapid Transit Railroad at an estimated cost of \$10,050.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated July 7, 1923, stating that the equipment is necessary and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, dated July 16, 1923, classifying the work as Additions to Existing Equipment and assigning Work Order No. ICqA-7 thereto.

The following resolution was adopted:

Whereas, The City of New York, acting by the Transit Commission, in pursuant to a contract dated May 18, 1922, between The City of New York, acting by this Commission and Holbrook, Cabot & Rollins Corporation, constructing a new entrance to the 168th Street Station of the Manhattan-Bronx Rapid Transit Railroad, being a part of the Existing Railroads as described in the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, which work is made part of construction of Extra Work pursuant to so-called Contract No. 1, by reason of the agreement dated June 21, 1917, between The City of New York and said Interborough Rapid Transit Company; and

Whereas, By communication dated May 21, 1923, Interborough Rapid Transit Company has submitted for the approval of this Commission its proposal to install the various items of equipment at the said new entrance to the 168th Street Station aforesaid as Additional Equipment in accordance with the provisions of said Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of

this Commission have by communication dated July 7, 1923 reported that the equipment proposed includes such items as lighting and heating apparatus, power cables, auxiliary apparatus required in connection with the new elevators, telephones and other communication devices, clocks and miscellaneous furnishings; that the kind and amount of equipment proposed is suitable and necessary for the purpose; that the estimated cost of \$10,050 appears reasonable and recommends the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication dated July 16, 1923 recommended that the work included in said proposal, in so far as it is a betterment, be classified as Additions to Existing Equipment as defined in Contract No. 3 and Work Order No. ICqA-7 be assigned thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company aforesaid be and the same hereby is approved and that the work therein included be classified as Additions to Existing Equipment as defined in Contract No. 3 and as to which this Commission assigns Work Order No. ICqA-7.

1002—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for One Foster Radiant Heat Superheater to be Installed Under New Boiler in 59th Street Power House—Report by Consulting Engineer, Dr. Charles E. Lucke, Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated July 13, 1923, requesting approval of a proposed contract with the Power Specialty Company for the purchase, delivery and installation of one Foster Radiant Heat Superheater, to be installed under the new boiler in the 59th Street Power House at a cost of \$6,800.

A report was presented from Consulting Engineer Dr. Charles E. Lucke, dated July 14, 1923, stating that the proposed contract and plans and specifications are satisfactory, and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad, under Work Order No. IBA-7, heretofore assigned.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922, the application of the Interborough Rapid Transit Company, pursuant to the provisions of the contract, dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of Additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922, this Commission assigned thereto Work Order No. IBA-7; and

Whereas, The said Interborough Rapid Transit Company by communication, dated July 13, 1923, has submitted for the approval of this Commission, pursuant to the resolutions aforesaid, a proposed contract with Power Specialty Company for the purchase, delivery and installation of one Foster Radiant Heat super heater to be installed under the new boiler in the 59th Street Power House at a total cost of \$6,800; and

Whereas, By communication dated July 14, 1923, Consulting Engineer, Dr. Charles E. Lucke has reported that the bid of Power Specialty Company is the best bid which can be obtained for the installation of this type of superheater; that the proposed contract together with the plans and specifications are satisfactory and recommends that the said proposed contract so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs has by endorsement dated July

18, 1923, recommended that the work be classified as Additional Equipment for the Railroad under Work Order No. IBA-7 heretofore assigned as aforesaid; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That said reports and recommendations be and the same hereby are approved and that the said proposed contract together with the plans and specifications made part thereof be and the same hereby are approved, and that said Interborough Rapid Transit Company be and hereby is authorized to enter into said proposed contract with Power Specialty Company in the form hereby approved.

1003—R. T. 6668, 6695

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Signaling and Interlocking on 14th Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated July 10, 1923, requesting approval of a proposed purchasing agent's order directed to the General Railway Signal Company for furnishing and installing signaling and interlocking on the 14th Street-Eastern Line, for the lump sum of \$297,570.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer, dated July 20, 1923, stating that the plans and specifications are satisfactory and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract, dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has, by communication, dated July 10, 1923, submitted for the approval of this Commission a proposed purchasing agent's order, dated July 9, 1923, directed to General Railway Signal Company for the following:

Furnish and install signaling and interlocking on the 14th Street-Eastern Line, as per Plan C-1359, C-1360, C-1361 and specifications all dated June 23d, 1923, two copies attached hereto and your proposal dated July 3, 1923, for the lump sum of \$297,570

which proposed purchasing agent's order has been caused to be designated as "Approval No. 361," together with the plans and specifications for such proposed work; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication, dated July 20, 1923, reported that such equipment is intended for the initial operation of the subway portion of the 14th Street-Eastern Line of the Railroad described in said Contract No. 4; that the following bids were received for such material;

General Railway Signal Co.....	\$297,570
Federal Signal Co.....	301,500
Union Switch and Signal Co.....	303,500

; that the proposed layout of signalling and interlocking for this line is similar to that on other local tracks of the subway and is satisfactory from an engineering standpoint; that the plans and specifications are satisfactory and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement, dated July 24, 1923, recommended that such material be classified as Equipment of the Railroad as described in said Contract No. 4.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted, together with the plans and specifications made part thereof be and the same hereby is approved and

that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the material to be so purchased to be classified as Equipment of the Railroad as defined in said Contract No. 4.

1004—R. T. 6481

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for 100 Sets of Truck Anti-nosing Device for Subway Cars—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. MGA-4—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated June 23, 1923, requesting approval of a proposed purchasing agent's order directed to the Standard Steel Car Company, for furnishing 100 sets of truck anti-nosing device for installation on subway cars at a cost of \$3,500.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 12, 1923, stating that there is no objection from an engineering standpoint and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, dated July 16, 1923, classifying the cost of the work and assigning Work Order No. MGA-4.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has submitted to this Commission for its approval, a proposed purchasing agent's order dated June 22, 1923, directed to Standard Steel Car Co. for the following:

Truck Anti-Nosing Device.

100 Car Sets. As shown on Plan Sk. X-832-2 furnished.....\$35.00
Car Set F. O. B. 40th St. Sta. So. Bklyn. Ry.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 353"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have by communication dated July 12, 1923 reported that no objection from the engineering standpoint will be made to the purchase of the anti-nosing devices, provided it is agreed to be an experiment until the experiment shall have demonstrated the practicability of such device, and accordingly recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication dated July 16, 1923 reported with respect to said proposed purchasing agent's order as follows:

"The proposed installation being an experiment comes within the resolution of the Commission of March 7, 1922, viz.:

'Before beginning proposed experimental work which eventually might become a capital charge, the Lessee should be required to obtain the approval of the Chief Engineer of the Commission to proceed and have appropriate job numbers assigned thereto.

'All expenditures made on account of this class of experimental work should be charged to an account, entitled, "Experimental Work-Suspense";

[July 24, 1923

'In the event that such experimental work results in an improvement (approved as such by the Chief Engineer), the account "Experimental Work—Suspense" will be credited with the entire cost and the appropriate capital account charged.

'The cost of the same class of experimental work which does not result in an improvement should be credited to the account, "Experimental Work—Suspense" and charged to Operation Expenses, immediately it is decided to stop the work.'

It is recommended that the cost of the proposed purchase of 100 sets anti-noising device and the installation thereof be accounted for pursuant to the terms of the Commission's resolution of March 7, 1922 on the subject of experimental work, and that Work Order Number MGA-4 be assigned thereto."

Resolved, That said reports and recommendations be and the same hereby are approved and that said proposed purchasing agent's order so submitted be and the same hereby is approved, and that the cost thereunder be accounted for pursuant to the terms of this Commission's resolution of March 7, 1922 aforesaid, and as to which this Commission assigns Work Order MGA-4.

1005—R. T. 6695

Contract No. 4—Application by New York Rapid Transit Corporation Requesting Approval of Certain Signal Changes and Installation of Additional Signal Apparatus in Montague Street Tunnel Line Between Court Street and DeKalb Avenue Stations—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. MBA-26—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated June 23, 1923, requesting approval of certain signal changes and for the installation of additional signal apparatus in the Montague Street Tunnel Line between the Court Street and DeKalb Avenue Stations at an estimated cost of \$35,100.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 14, 1923, stating that changes and additional apparatus are necessary to provide increased train capacity through Lawrence Street Station, when placed in service, and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, dated July 18, 1923, classifying the work and assigning Work Order No. MBA-26 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successors to the rights and obligations under said Contract No. 4 has submitted for the approval of this Commission, a proposal to make certain signal changes and the installation of additional signal apparatus in the Montague Street Tunnel of the Broadway-4th Avenue Line from a point west of Court Street Station to the DeKalb Avenue Station in the Borough of Brooklyn, at an estimated cost of \$35,100; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have by communication dated July 14, 1923 reported that the proposal includes numerous signal changes on account of the station at Lawrence Street when that station is placed in service and signal apparatus necessary to obtain increased train capacity through the said station; that the plans submitted indicating the proposed signal

changes and additions are satisfactory and recommend the approval of said proposal; and Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication dated July 18, 1923 recommended that the cost of such work be classified as follows:

"(1) That the cost of new signal apparatus on account of placing the Lawrence Street Station in operation be classified as Equipment of the Railroad for Initial Operation.

"(2) That the cost of new signal apparatus necessary to expedite train operation, to an amount equal to the original cost of facilities retired on account of this work, be charged to maintenance. The salvage of facilities retired to be credited to maintenance and the cost of removing or rearranging existing facilities to be charged to maintenance.

"(3) That the cost of new signal apparatus necessary to expedite train operation, in excess of the original cost of facilities retired on account of this work, be classified as Additional Equipment for the Railroad and that Work Order Number MBA-26 be assigned thereto."

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of New York Rapid Transit Corporation so submitted be and the same hereby is approved upon condition that the cost thereof be charged as follows;

(1) That the cost of new signal apparatus on account of placing Lawrence Street Station in operation be classified as Equipment of the Railroad for Initial Operation.

(2) That the cost of new signal apparatus necessary to expedite train operation, to an amount equal to the original cost of facilities retired on account of this work, be charged to maintenance. The salvage of facilities retired to be credited to maintenance and the cost of removing or rearranging existing facilities to be charged to maintenance.

(3) That the cost of new signal apparatus necessary to expedite train operation, in excess of the original cost of facilities retired on account of this work, be classified as Additional Equipment for the Railroad and as to which this Commission assigns Work Order No. MBA-26.

1006—R. T. 7683

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Re-building of Illuminated Track Indicators at Canal Street, DeKalb Avenue and Gold Street Signal Towers—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. MBA-27—Approval Resolution

An application was presented from the New York Rapid Transit Corporation requesting approval to the rebuilding of the illuminated track indicators now installed at the Canal Street, DeKalb Avenue and Gold Street signal towers at an estimated cost of \$18,750.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 14, 1923, stating that the work is desirable, the cost reasonable and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, dated July 18, 1923, classifying the work and assigning Work Order No. MBA-27 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract, dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York

Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4 has requested the approval of this Commission to the rebuilding of the illuminated track indicators now installed at the Canal Street, DeKalb Avenue and Gold Street signal towers of the Broadway-4th Avenue Line of the Railroad as described in said Contract No. 4 at an estimated cost of \$18,750; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have by communication, dated July 14, 1923 reported that in their opinion, for the reasons therein more particularly set forth, such work is desirable; that the estimated cost therefor is reasonable; that the drawings showing the proposed work are satisfactory and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication, dated July 18, 1923 recommended that the cost of such work be classified as follows:

"(1) That the cost of alterations, removal and relocation of existing facilities be charged to Maintenance. The salvage of facilities retired to be credited to Maintenance.

"(2) That the cost of new facilities, to an amount equal to the original cost of facilities retired on account of this work, be charged to Maintenance.

"(3) That the cost of new signal apparatus, in excess of the original cost of facilities retired on account of this work, be classified as Additional Equipment for The Railroad and that Work Order Number MBA-27 be assigned thereto."

Resolved, That said reports and recommendations be and the same hereby are approved; that the proposal of New York Rapid Transit Corporation as aforesaid be and the same hereby is approved upon condition that the cost thereof be charged as follows:

(1) That the cost of alterations, removal and relocation of existing facilities be charged to Maintenance. The salvage of facilities retired to be credited to Maintenance.

(2) That the cost of new facilities, to an amount equal to the original cost of facilities retired on account of this work, be charged to Maintenance.

(3) That the cost of new signal apparatus, in excess of the original cost of facilities retired on account of this work, be classified as Additional Equipment for The Railroad and as to which this Commission assigns Work Order No. MBA-27.

1007—R. T. 6695

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Restoration of Signal Apparatus, Etc., for Signal Tower and Battery House at Broadway and Myrtle Avenue, Borough of Brooklyn—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work and Assigning Work Order No. MCA-27—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated June 19, 1923, for approval of the restoration of signal apparatus and the installation of two new junction boxes and a standard motor-generating charging set for the signal tower and battery house at Broadway and Myrtle Avenue, Borough of Brooklyn, at an estimated cost of \$5,200.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated July 18, 1923, stating that the work is necessary and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, dated July 20, 1923, classifying the work and assigning work order No. MCA-27 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has, by communication dated June 19, 1923, submitted for the approval of this Commission a proposed scheme for the restoration of signal apparatus and the installation of two new junction boxes and a standard motor-generating charging set, all for the signal tower and battery house located at Broadway and Myrtle Avenue of the Broadway-Myrtle Avenue Elevated Lines of the Existing Railroads, as defined in said Contract No. 4, the estimated cost of such work being \$5,200; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 18, 1923, reported that the principal work proposed to be done pursuant to said proposal is an improved method of installation of practically all the existing signal circuits leading to the interlocking tower and battery house aforesaid, which were destroyed by fire on April 8, 1923; that the proposed changes and additional equipment are satisfactory and necessary; that the proposed costs are reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 20, 1923, recommended, with respect to said proposal, as follows:

(1) That that the cost of alterations, removal and relocation of existing facilities be charged to maintenance. The salvage of facilities retired to be credited to maintenance.

(2) That, in addition to the cost in (1), the cost of the work equal to the estimated cost of replacing all the present wires and cables from the existing and new junction boxes to the tower and battery house (estimated at \$3,500.) be charged to maintenance.

(3) That the excess cost of armored cable over the present cost of braided wire and cable, the cost of the two new junction boxes and the cost of motor-generator charging set, (total estimated at \$1,700.) be classified as Additions to Existing Railroads and that Work Order Number MCA-27 be assigned thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of New York Rapid Transit Corporation so submitted be and the same hereby is approved, such approval being given upon the following conditions:

"(1) That the cost of alterations, removal and relocation of existing facilities be charged to maintenance. The salvage of facilities retired to be credited to maintenance.

(2) That, in addition to the cost in (1), the cost of the work equal to the estimated cost of replacing all the present wires and cables from the existing and new junction boxes to the tower and battery house (estimated at \$3,500.) be charged to maintenance.

(3) That the excess cost of armored cable over the present cost of braided wire and cable, the cost of the two new junction boxes and the cost of motor-generator charging set, (total estimated at \$1,700.) be classified as Additions to Existing Railroads and as to which this Commission assigns Work Order No. MCA-27."

1008—R. T. 6695

Broadway Elevated Line—Application by New York Rapid Transit Corporation for Approval of Additional Signal on Express Track West of Myrtle Avenue Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated July 9, 1923, requesting approval to the installation of an additional signal on the express track of the Broadway Elevated Line, about 500 feet west of the Myrtle Avenue Station, at an estimated cost of \$600.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 14, 1923, stating that the signal is desirable; that the cost is reasonable, and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additions to Additional Tracks, and assigning Work Order No. MDA-1 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Certificate dated March 19, 1913 granted to the New York Municipal Railway Corporation for certain additional tracks, New York Rapid Transit Corporation, as successor to the rights and obligations under said Certificate, by communication dated July 9, 1923 requested the approval of this Commission to the installation of an additional signal on the express track of the Broadway Elevated Line at a point approximately 550 feet west of the Myrtle Avenue Station at an estimated cost of approximately \$600; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission, by communication dated July 14, 1923 has reported that the proposed additional signal is to increase the capacity of this track at said point and is considered desirable; that the estimated cost is reasonable and recommend the approval of such proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated July 18, 1923 has recommended that the cost of such work be classified as Additions to Additional Tracks and that Work Order MDA-1 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal so submitted be and the same hereby is approved, provided that the cost of such work shall be classified as Additions to Additional Tracks as to which this Commission assigns Work Order MDA-1.

1009—R. T. 6695

Contract No. 4—Application by New York Municipal Railway Corporation for Approval of Relocation of Certain Signal Apparatus at Westerly End of Broadway Station of Canal Street Line—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work as Equipment of the Railroad—Approval Resolution

An application was presented from the New York Municipal Railway Corporation dated June 11, 1923, requesting approval to the relocation of certain signal apparatus at the westerly end of the westbound platform of the Broadway Station of the Canal Street Line, at an estimated cost of \$540.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated July 14, 1923, stating that the work is necessary and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, dated July 19, 1923, classifying the work as Equipment of the Railroad.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, the Receiver of said New York Municipal Railway Corporation, by communication dated June 11, 1923, has requested the approval of this Commission to the relocation of certain signal apparatus now located at the westerly end of the westbound platform of the Broadway Station of the low level subway in Canal Street, Borough of Manhattan; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer

of this Commission have, by communication dated July 14, 1923, reported that the estimated cost is \$540; that the work is necessary and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 19, 1923, recommended that such work be classified as Equipment of the Railroad,

Resolved, That said reports and recommendations so submitted be and the same hereby are adopted and that said proposal so made be and the same hereby is approved, such work to be classified as Equipment of the Railroad, as defined in said Contract No. 4.

1010—R. T. 6695, Gen. 1772

Contract No. 4—Application by New York Rapid Transit Corporation for Extension of Time of Two Months Within Which to Complete Plans, Specifications and Estimate of Cost for Installation of Complete Signal System on One Mile of Local Elevated Track—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Extension of Time to September 15, 1923—Motion Granting Extension of Time to August 15, 1923

An application was presented from the New York Rapid Transit Corporation, dated July 12, 1923, requesting an extension of time of two months within which to complete plans, specifications and estimate of cost for installing a speed control system of signals with automatic stops on one mile of local track on the elevated railroads.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated July 16, 1923, recommending that an extension of time be granted to September 15, 1923.

Upon motion, duly seconded and adopted, an extension of time was granted to August 15, 1923, within which to file such plans, specifications and estimate of cost.

1011—Case No. 1676

Nassau Bus Line, Inc.—Regulation Requiring Filing of Tariff Schedules—Report by Transit Bureau Regarding Failure of Company to File Tariff Schedule—Letter to Company Authorized

The Secretary presented a report dated July 19, 1923, by Frank Bennett, Assistant Chief of Transit Bureau, advising that the Nassau Bus Line, Inc., had not filed with the Commission its tariff schedule.

Thereupon the Secretary was authorized to advise the Nassau Bus Line, Inc., that its tariff schedule must be filed at once as required by the Order in Case No. 1676.

1012—Case No. 2627

Interborough Rapid Transit Company—Service and Equipment—Application for Modification of Service Order "A"—Hearing Resolution Adopted

The Secretary presented a communication dated July 3, 1923, from Frank Hedley, President of the Interborough Rapid Transit Company, asking for a modification of Service Order "A" in Case No. 2627 adopted May 2, 1922, so as to permit a reduction of service on subway lines during the summer months in non-rush hour periods from a three minute headway to a three and one-half minute headway.

Thereupon the Commission adopted and ordered filed a Resolution in Case No. 2627 directing a hearing on said application on July 31, 1923, at 10.30 A. M.

1013—Case No. 2680

Staten Island Edison Corporation—Application for Consent to Acquire and Hold Stock of Richmond Light and Railroad Company—Approval Order

The Secretary presented a supplemental petition dated July 20, 1923, of the Staten Island Edison Corporation, asking permission to acquire 28,717.5 shares of the outstanding common stock of the Richmond Light and Railroad Company and that petitioner be allowed to transfer all of said stock so acquired to the Irving Bank-Columbia Trust Company as collateral security under the mortgage to be delivered by petitioner to said bank, as Trustee.

The Secretary also presented two reports dated July 18 and July 23, 1923, from George H. Stover, Assistant Counsel, approved by Counsel to the Commission, recommending the granting of the application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2680 in the following form:

At a Meeting of the Transit Commission held at its office,
No. 49 Lafayette Street, Borough of Manhattan, City
of New York, on the 24th day of July, 1923.

Present:

GEORGE McANENY, Chairman, LE ROY T. HARKNESS.	}	Commissioners.
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IN THE MATTER
of the

Application of STATEN ISLAND EDISON CORPORATION
under Section 54 of the Public Service Commission
Law for consent to acquire, purchase and hold the
stocks, bonds and other liabilities of the Richmond
Light and Railroad Company.

CASE No. 2680

ORDER CONSENTING TO AC-
QUISITION OF STOCK OF
RICHMOND LIGHT AND
RAILROAD COMPANY.

Application having been made to this Commission by Staten Island Edison Corporation by petition dated March 8, 1923 and filed March 29, 1923, for the approval by the Commission of the acquisition by it of 28,717.5 shares of the outstanding common capital stock of the Richmond Light and Railroad Company and for like approval of the acquisition of such capital stock of Richmond Railways, Inc., as may issue pursuant to the Order in Case No. 2664, adopted by the Commission on March 27, 1923; and the said Staten Island Edison Corporation having, by supplementary petition dated and filed July 20, 1923, prayed among other things that this Commission consent that all the stock of Richmond Light and Railroad Company to be acquired by petitioner be transferred to and held by Irving Bank-Columbia Trust Company, for the purpose of collateral security under the mortgage to be executed and delivered by petitioner to Irving Bank-Columbia Trust Company, as Trustee, to secure the bonds of petitioner to be issued thereunder; and it appearing to the Commission that the Public Service Commission has, by order dated July 12, 1923, consented to the transfer by Richmond Light and Railroad Company to the Staten Island Edison Corporation and the acquisition by Staten Island Edison Corporation of the franchises, works and system and all other property and assets of said Richmond Light and Railroad Company, excepting the portion thereof directly devoted to its railroad operation, which railroad property is to be transferred to Richmond Railways, Inc., but including the bonds and capital stock of said Richmond Railways, Inc., to be issued in payment therefor, and has authorized the acquisition by Staten Island Edison Corporation of the capital stock of Richmond Light and Railroad Company now outstanding and the pledge of such capital stock under the mortgage of Staten Island Edison Corporation to Irving Bank-Columbia Trust Company; and the Commission being of the opinion that the prayer of said supple-

mentary petition should be granted without prejudice to the other matters contained in the original application of March 8, 1923, it is

Ordered:

(1) That the Staten Island Edison Corporation be and it hereby is authorized to purchase, acquire, take and hold all of the capital stock of Richmond Light and Railroad Company, consisting of 28,717.5 shares outstanding; and

(2) That the Commission hereby consents that all of the stock of Richmond Light and Railroad Company acquired by Staten Island Edison Corporation be transferred to and held by Irving Bank-Columbia Trust Company, for the purpose of collateral security under the mortgage to be executed and delivered by Staten Island Edison Corporation to Irving Bank-Columbia Trust Company, as Trustee, to secure the bonds of Staten Island Edison Corporation to be issued thereunder.

By the Commission,
JAMES B. WALKER,
Secretary.

1014—Case No. 2683

Concourse Bus Line, Inc.—Application for Certificate of Public Convenience and Necessity to Operate Stage Route by Auto Buses Upon Certain Streets in the Boroughs of Manhattan and The Bronx—Letter from Attorney for Company Advising of Extended Franchise Granted by Board of Estimate and Apportionment and Inquiring if Existing Certificate Is Sufficient—Referred to Counsel

The Secretary presented a communication dated July 19, 1923, from Max Monfried, Attorney for Concourse Bus Line, Inc., advising that The City of New York had granted a franchise to the company to commence August 1, 1923, for a six months period and inquiring if the Certificate of Public Convenience and Necessity granted by the Commission in Case No. 2683 would be sufficient.

Thereupon the above mentioned communication was referred to the Counsel to the Commission for his opinion.

1015—Case No. 1364

Belt Line Railway Corporation—Transfers on Street Surface Lines—Report by Assistant Counsel Stover Transmitting Copies of Briefs Filed on Behalf of Commission and District Attorney of New York County on Company's Motion to Overrule Exceptions Filed in United States District Court Action—Filed

The Secretary presented a report dated July 16, 1923, advising that on July 13, 1923, briefs on the motion of the plaintiff in the case of Belt Line Railway Corporation v. Newton to overrule the exceptions to the report of the Master, to confirm the said report and for final judgment enjoining the defendants, were exchanged and submitted to Judge Knox, and transmitting copies of briefs filed by the Commission and on behalf of the District Attorney of New York County.

Thereupon the above mentioned papers were ordered filed.

1016

New York Dock Railway—New Tariff Sheet Showing Reduction in Freight Charges—Report by Transit Bureau—Filed

The Secretary presented a report dated July 19, 1923, from Frank Bennett, Assistant Chief of Transit Bureau, approved by the Chief of Transit Bureau, transmitting new

tariff sheet designated as Supplement No. 1 to T. C. N. Y. No. 1 filed by the New York Dock Railway, showing reductions in freight charges and recommending the filing of same.

Thereupon the above mentioned papers were ordered filed.

1017—R. T. 7665

Routes Nos. 36 & 37, Section No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Contract with B. T. & J. J. Mack, Inc., for Installation of Switchback Track East of Queensboro Plaza Station and Authorizing Appropriation of \$31,562.50—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on July 13, 1923, was ordered filed:

(Cal. No. 175)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated June 27, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with B. T. & J. J. Mack, Inc., for the installation of a switchback track east of the Queensboro Plaza Station of the Queensboro Rapid Transit Railroad, Routes Nos. 36 and 37, Section No. 1, at an estimated cost of thirty-one thousand five hundred and sixty-two dollars and fifty cents (\$31,562.50), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be thirty-one thousand five hundred and sixty-two dollars and fifty cents (\$31,562.50); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding thirty-one thousand five hundred and sixty-two dollars and fifty cents (\$31,562.50) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1018—R. T. 6881

Order No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Readjustment of Appropriations Under Contract with John C. Orr Company for Hauling and Storing Treated Ties and Timber—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 29, 1923, was ordered filed:

(Cal. No. 206)

Whereas, The Board of Estimate and Apportionment, (1) on November 22, 1918, on requisition of the Public Service Commission for the First District, subauthorized and Apportionment on June 29, 1923, was ordered filed: porate stock, sixteen hundred dollars (\$1,600) to be charged against Contract No. 3, and sixteen hundred dollars (\$1,600) to be charged against Contract No. 4, to cover the cost of a contract with the John C. Orr Company for the continued storage, hauling, loading and unloading of treated ties and timber needed in the installation of tracks of

rapid transit railroads to be constructed under Contracts Nos. 3 and 4, and (2) on April 20, 1919 on the requisition of said Public Service Commission for the First District, subauthorized an additional appropriation of two thousand six hundred dollars (\$2,600), two hundred dollars (\$200) to be charged against Contract No. 3, and two thousand four hundred dollars (\$2,400), to be charged against Contract No. 4, for the purposes of said contract with the John C. Orr Company; and

Whereas, The expenditures from these subauthorizations charged against Contract No. 3 have aggregated one thousand seven hundred and ninety-nine dollars and eighty-six cents (\$1,799.86), and under Contract No. 4, three thousand nine hundred and eighty-one dollar and thirty-five cents (\$3,981.35), but on the basis of the work actually performed the charges against Contract No. 3 should be fifteen hundred and thirty dollars and sixty-two cents (\$1,530.62), and against Contract No. 4, should be four thousand two hundred and eighty-four dollars and fifty-nine cents (\$4,284.59), which will therefore necessitate an adjustment of the changes between Contracts Nos. 3 and 4, and a consequent rescindment of two hundred and sixty-nine dollars and thirty-eight cents (\$269.38) from the subauthorizations made for the purposes of Contract No. 3, and an additional subauthorization of two hundred and eighty-four dollars and fifty-nine cents (\$284.59) for the purposes of Contract No. 4; therefore be it

Resolved (1), That the sum of sixty-nine dollars and thirty-eight cents (\$69.38) be and hereby is *rescinded* from the subauthorization of sixteen hundred dollars (\$1,600) made by the Board of Estimate and Apportionment on November 22, 1918, for the purposes of Contract No. 50287 with the John C. Orr Company, and (2) that subauthorization of two hundred dollars (\$200) made by the Board of Estimate and Apportionment on April 25, 1919, for the purposes of said Contract No. 50287, be and hereby is *rescinded*, and (3) that the said sum of sixty-nine dollars and thirty-eight cents (\$69.38) and two hundred dollars (\$200) be credited back to the general appropriation of corporate stock for the purposes of Contract No. 3; and be it further

Resolved, That to provide funds to cover the cost of such work for the purposes of Contract No. 4, the Board of Estimate and Apportionment, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission, dated June 5, 1923 (without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void), does hereby authorize the Comptroller to issue corporate stock of The City of New York to an amount not exceeding two hundred and eighty-four dollars and fifty-nine cents (\$284.59), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value of the stock to be applied to liquidate the cost of that portion of work performed under said Contract No. 50287 with the John C. Orr Company, which is properly chargeable to Contract No. 4, said issue of corporate stock to be limited to the sum of two hundred and eighty-four dollars and fifty-nine cents (\$284.59), and to be charged against the general appropriation of corporate stock made by this Board to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 29, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1019—R. T. 7571

Route No. 48, Section No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Agreement with Interborough Rapid Transit Company for Installation of Ventilating Manhole in Mail Street, Borough of Manhattan—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 29, 1923, was ordered filed:

(Cal. No. 195)

Resolved, That, pursuant to its resolution of July 19, 1922, and to the requisition of the Transit Commission to this Board, dated February 27, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to

the agreement with the Interborough Rapid Transit Company (lessee) for the installation of a ventilating manhole at a point in Mail street, in the Borough of Manhattan, where the cable duct line of the Municipal Rapid Transit Railroad (Section No. 1, Route No. 48) crosses the steam main of the New York Steam Company that enters the Post Office Building.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 29, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1020—R. T. 7658

Contract No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Agreement with Interborough Rapid Transit Company for Construction of Additional Stairway at 225th Street Station and Authorizing Appropriation of \$2,750 as City's Share—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 29, 1923, was ordered filed:

(Cal. No. 208)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated June 13, 1923, the Board of Estimate and Apportionment does hereby consent to a proposed agreement with the Interborough Rapid Transit Company, as lessee, for the construction of an additional stairway to the northbound platform of the 225th Street Station of the Manhattan-Bronx Rapid Transit Railroad, as addition to construction, under Contract No. 3, at an estimated cost to The City of New York of two thousand seven hundred and fifty dollars (\$2,750), being one-half of the total estimated cost of said work, namely five thousand five hundred dollars (\$5,500), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be two thousand seven hundred and fifty dollars (\$2,750), and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding two thousand seven hundred and fifty dollars (\$2,750) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said agreement; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 29, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1021—R. T. 7522

Agreement "CM"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Contract with Hamme and Jackson, Inc., for Changes in Subway Structure so as to Permit Raising of Grade of North Jane Street, Borough of Queens—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on June 29, 1923, was ordered filed:

(Cal. No. 209)

Resolved, That the Board of Estimate and Apportionment, pursuant to the requisition of the Transit Commission to this Board, dated June 13, 1923, hereby approves of a proposed contract with Hamme and Jackson, Inc., for reconstructing the retaining wall

on both sides of the 60th street Tunnel of the Brooklyn Rapid Transit Railroad at North Jane street, Borough of Queens, under the jurisdiction of the President of the Borough of Queens (the work to be performed under the supervision of the Transit Commission), the cost thereof to be charged to the tax notes appropriation authorized by the Board of Estimate and Apportionment in the sum of forty thousand dollars (\$40,000) on May 18, 1923, for said purpose, which fund is to be expended by the Borough President upon vouchers prepared by said Transit Commission.

A true copy of resolution adopted by the Board of Estimate and Apportionment, June 29, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1022—R. T. 7591

Route No. 70-A—Certified Copy of Resolution of Board of Estimate and Apportionment Extending Time for Period of Sixty Days from August 1, 1923, Within Which to Consider Jackson Avenue, Newtown Creek and Manhattan Avenue Route—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on July 13, 1923, was ordered filed:

Resolved, That the period of time prescribed by Section 242 of the Greater New York Charter within which this Board shall consider and act upon the resolution of the Transit Commission establishing route and general plan of construction for an additional rapid transit railway in the Boroughs of Queens and Brooklyn, known as Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A, adopted by the Commission May 15, 1923, and transmitted to this Board for its approval, as required by law, and within which this Board shall transmit, in writing, to the Commission its determination in regard thereto, whether of consent or refusal, be and hereby is extended for a further period of sixty (60) days from August 1, 1923.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1023—R. T. 7591

Route No. 70-B—Certified Copy of Resolution of Board of Estimate and Apportionment Extending time for Period of Sixty Days from August 1, 1923, Within Which to Consider Manhattan Avenue, Roebling Street and Bedford Avenue Route—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on July 13, 1923, was ordered filed:

Resolved, That the period of time prescribed by Section 242 of the Greater New York Charter, within which this Board shall consider and act upon the resolution of the Transit Commission, establishing route and general plan of construction for an additional rapid transit railway in the Borough of Brooklyn, known as Manhattan Avenue, Roebling Street and Bedford Avenue Route, Route No. 70-B, adopted by the Commission May 15, 1923, and transmitted to this Board for its approval as required by law and within which this Board shall transmit, in writing, to the Commission, its determination in regard thereto, whether of consent or refusal, be and it hereby is extended for a further period of sixty (60) days from August 1, 1923.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1024—R. T. 7591

Route No. 70-C—Certified Copy of Resolution of Board of Estimate and Apportionment Extending Time for Period of Sixty Days from August 1, 1923, Within Which to Consider Bedford Avenue, Fulton Street and Livingston Street Route—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on July 13, 1923, was ordered filed:

Resolved, That the period of time prescribed by Section 242 of the Greater New York Charter within which this Board shall consider and act upon the resolution of the Transit Commission establishing route and general plan of construction for an additional rapid transit railway in the Borough of Brooklyn, known as Bedford Avenue, Fulton Street and Livingston Street Route, Route No. 70-C, adopted by the Commission May 15, 1923, and transmitted to this Board for its approval, as required by law, and within which this Board shall transmit, in writing, to the Commission its determination in regard thereto, whether of consent or refusal, be and hereby is extended for a further period of sixty (60) days from August 1, 1923.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1025—R. T. 7591

Route No. 70-D—Certified Copy of Resolution of Board of Estimate and Apportionment Extending Time for Period of Sixty Days from August 1, 1923 Within Which to Consider Bedford Avenue, Brighton Beach Railway Connection—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on July 13, 1923, was ordered filed:

Resolved, That the period of time prescribed by Section 242 of the Greater New York Charter within which this Board shall consider and act upon the resolution of the Transit Commission establishing route and general plan of construction for an additional rapid transit railway in the Borough of Brooklyn, known as Bedford Avenue, Brighton Beach Railway Connection, Route No. 70-D, adopted by the Commission May 15, 1923, and transmitted to this Board for its approval, as required by law, and within which this Board shall transmit, in writing, to the Commission its determination in regard thereto, whether of consent or refusal, be and hereby is extended for a further period of sixty (60) days from August 1, 1923.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1026—R. T. 7661

Route No. 78—Certified Copy of Resolution of Board of Estimate and Apportionment Extending Time for Period of Sixty Days from August 1, 1923, Within Which to Consider Central Park West, Manhattan Avenue and St. Nicholas Avenue Route—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on July 13, 1923, was ordered filed:

Resolved, That the period of time prescribed by Section 242 of the Greater New York Charter within which this Board shall consider and act upon the resolution of the Transit Commission establishing route and general plan of construction for an additional rapid transit railway in the Borough of Manhattan, known as Central Park West, Manhattan Avenue and St. Nicholas Avenue Route, Route No. 78, adopted by the Commission May 15, 1923, and transmitted to this Board for its approval, as

required by law, and within which this Board shall transmit, in writing, to the Commission its determination in regard thereto, whether of consent or refusal, be and hereby is extended for a further period of sixty (60) days from August 1, 1923.

A true copy of resolution adopted by the Board of Estimate and Apportionment July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1027

Street Changes—Certified Copies of Resolutions of Board of Estimate and Apportionment Establishing Roadway and Sidewalk Widths and Authorizing Removal of Encroachments on West 56th Street Between 5th and 7th Avenues, Borough of Manhattan—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on July 13, 1923, were ordered filed:

(Cal. No. 85-A)

Resolved, By the Board of Estimate and Apportionment, that the widths of the roadway and sidewalks on West 56th street from the west curbline of 5th avenue to the east curbline of 7th avenue, Borough of Manhattan, be established as follows:

The roadway shall be centrally located and shall have a width of thirty-four (34) feet.

The width of the sidewalks on each side of the roadway shall be thirteen (13) feet;

—and be it further

Resolved, That all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which interfere with the proper support of the roadway, curb, and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 85-B)

Whereas, The entire width of West 56th street between 5th and 7th avenues, Borough of Manhattan, is required for public purposes, be it

Resolved, By the Board of Estimate and Apportionment, that all ordinances, permits or licenses heretofore adopted or granted by the City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of West 56th street, between 5th and 7th avenues, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1028

Street Changes—Certified Copies of Resolutions of Board of Estimate and Apportionment Establishing Roadway and Sidewalk Widths and Authorizing Removal of Encroachments on West 58th Street between 5th and 6th Avenues, Borough of Manhattan—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on July 13, 1923, were ordered filed:

(Cal. No. 86-A)

Resolved, By the Board of Estimate and Apportionment, that the widths of the roadway and sidewalks on West 58th street from the west curblineline of 5th avenue to the east curblineline of 6th avenue, Borough of Manhattan, be established as follows:

The roadway shall be centrally located and shall have a width of thirty-four (34) feet.

The width of the sidewalks on each side of the roadway shall be thirteen (13) feet;

—and be it further

Resolved, That all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which interfere with the proper support of the roadway, curb, and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 86-B)

Whereas, The entire width of West 58th street between 5th and 6th avenues, Borough of Manhattan, is required for public purposes, be it

Resolved, By the Board of Estimate and Apportionment, that all ordinances, permits or licenses heretofore adopted or granted by the City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of West 58th street between 5th and 6th avenues, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1029—R. T. 7647

Routes Nos. 4 & 38, Section No. 5—Communication from Acting Corporation Counsel Returning, Approved as to Form, Proposed Agreement with Interborough Rapid Transit Company for Changes in Subway Structure at Northeast Corner of West 30th Street and Seventh Avenue—Filed

A communication was ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated July 16, 1923, returning, approved as to form, a proposed agreement

with the Interborough Rapid Transit Company for making changes in the subway structure at the northeast corner of West 30th Street and Seventh Avenue, Borough of Manhattan, made necessary by the widening of the street at that point under the jurisdiction of the President of the Borough of Manhattan.

1030—R. T. 5058

Fourth Avenue Subway—Communication from Counsel Transmitting Original Recorded Agreement with Fain Knitting Mills for Additional Entrance to DeKalb Avenue Station—Filed

The Commission ordered filed a communication from Counsel, dated July 23, 1923, transmitting an original agreement, dated April 9, 1923, with Fain Knitting Mills and New York Consolidated Railroad Company for the construction, maintenance and operation of an additional entrance to the DeKalb Avenue Station of the Fourth Avenue Subway through the premises at No. 571 Fulton Street, Borough of Brooklyn, which agreement was recorded on June 26, 1923, in the Office of the Register of Kings County in Liber 4288, Page 275, Block 2093A of Conveyances.

1031

Lease—Proposed Lease with William T. Richensteen and Others for West Side of Second Floor of Premises at No. 62-64 Jackson Avenue, Long Island City, for Term of One Year from August 1, 1923—Approval Resolution

The following resolution was adopted:

Resolved, That the Commission approve a proposed lease prepared and now submitted by Counsel of the west side of the second floor of the premises, 62-64 Jackson Avenue, Long Island City, for the term of one year from the 1st day of August, 1923 to the 1st day of August, 1924, at the annual rental of \$600, payable in monthly installments of \$50 each, for the purpose of maintaining a section office for the use of the Chief Engineer and that the Chairman and the Secretary of the Commission be and they are hereby authorized to execute the same.

1032

Fees Received During June, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of June, 1923, fees, etc., to the amount of \$92.62 and refunds of rental from rapid transit real estate to the amount of \$4,434.00 had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$92.62 to be accredited to the General Fund of The City of New York and the sum of \$4,434.00 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

1033

Employees' Resolution No. 155

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—William Y. Llewelyn, inspector of steel, at \$175.00 per month, to take effect July 23, 1923; William Russell, engineering inspector,

at \$150.08 per month, to take effect July 23, 1923; August J. Zimmerman, junior assistant, at \$125.08 per month, to take effect July 23, 1923.

Appointment under Rule VIII:9—W. H. Ahearn, consulting traffic expert, at \$50.00 per day, employed May 1, 1923.

Resignations—Nathaniel W. Blanchard, junior electrical engineer, at \$162.50 per month, to take effect July 31, 1923; Ralph Eberlin, junior engineer, at \$152.50 per month, to take effect July 31, 1923; H. R. Gabriel, draftsman, at \$150.08 per month, to take effect July 13, 1923; Harry W. Henderson, draftsman, at \$150.08 per month, to take effect July 21, 1923; C. F. Jehlen, assistant electrical engineer, at \$291.66 per month, to take effect August 31, 1923; Benjamin Leibowitz, junior clerk, at \$60.00 per month, to take effect July 19, 1923; Wilmer F. Lucas, accountant, at \$150.08 per month, to take effect July 21, 1923.

Promotion—Charles Kessler, chauffeur, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923.

Leave of Absence Without Pay—David Apter, draftsman, from July 1, 1923 to July 31, 1923.

Leave of Absence With Pay—David Apter, draftsman, from August 1, 1923 to August 31, 1923; Cecelia W. Teale, stenographer, from July 9, 1923 to July 14, 1923.

1034

Voucher Schedule No. 30

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 728-765, open market orders, \$2,954.16; Vouchers Nos. 374-385, miscellaneous bills, \$903.55; Voucher No. 16, Special payroll, \$1,500;

Estimates by Chief Engineer of Value of Work Done and Material Furnished for Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 190, John C. Orr Company; final estimate for storing, insuring and transporting ties and timber for rapid transit railroads, from December 20, 1918, to January 31, 1923 (R. T. 6881) \$34.00;

Voucher No. 191, Interborough Rapid Transit Company; approximate estimate No. 3 for remedying the leaky condition of the mezzanine roofs of eight stations on Jerome Avenue and five stations on White Plains Road Lines, from December 1, 1922, to May 31, 1923 (R. T. 7494) \$3,672.33;

Voucher No. 192, Jacob Schlesinger, Inc.; approximate estimate No. 1 for the construction of inspection shed and service buildings at the Jerome Avenue Yard, Route No. 16, from May 23, 1923 to July 6, 1923 (R. T. 7636) \$12,488.26.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, July 25, 1923**1035—Case No. 2692****Hearing**

The following hearing was scheduled:

10:30 A. M.; Case No. 2692; The Long Island Railroad Company and the Pennsylvania Tunnel and Terminal Railroad Company; Application for the approval of an agreement for trackage rights into and the use of the Pennsylvania Station. Adjourned by direction of the Commission until September 5, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, July 26, 1923

1036—Case No. 2695

Hearing

The following hearing was adjourned:

Case No. 2695; Interborough Rapid Transit Company; Alteration and reconstruction of the 33rd Street Station of the Lexington-Fourth Avenue Subway Line from a local to an express station. Adjourned by direction of the Commission to August 1, 1923, at 2:30 P.M.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, July 30, 1923

1037—Case No. 2693

Hearing

The following hearing was held:

10:30 A. M.; Case No. 2693; Union Railway Company of New York City; Investigation by the Transit Commission of the suspension of service on Morris Park Avenue from Bronxdale Avenue to Williamsbridge Road. George L. Lucas, Acting Chief Executive Officer, presided. Adjourned to August 2, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, July 31, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented, and action taken as noted:

1038—R. T. 7653

Agreement "CN"—Report by Chief Engineer Recommending Readvertisement for Bids for Making Changes in Subway Structure at Broadway Incidental to Widening of West 32nd Street and for Construction of Ventilation Flue at Broadway and West 32nd Street—Approval Resolution

A report was presented from the Chief Engineer, dated July 27, 1923, recommending that bids be readvertised for making changes in the subway structure at Broadway incidental to the widening of West 32nd Street and for the construction of a ventilation flue at Broadway and West 32nd Street, in view of the action by the Board of Estimate and Apportionment on July 13, 1923, in referring back a proposed contract for such work.

The following resolution was adopted:

Whereas, This Commission heretofore adopted the proposed invitation to Contractors, Information for Contractors, and Forms of Contract, Bond and Contractor's

Proposal, together with the specifications and contract drawings for making changes in the subway structure at Broadway, incidental to the widening of West 32nd Street, and the construction of a ventilation flue at West 32nd Street and Broadway, Routes Nos. 4 & 36, Section No. 2, Borough of Manhattan, Agreement "CN," and thereafter, pursuant to public advertisement, received bids for the performance of the work on June 21, 1923; and

Whereas, This Commission, by resolution adopted June 27, 1923, awarded said proposed contract to the second low bidder, D. C. Serber, and transmitted said proposed contract, together with a requisition for the appropriation of the sum estimated to be necessary to meet the obligations of the City thereunder, to the Board of Estimate and Apportionment of the City of New York, which Board, by resolution adopted on July 13, 1923, referred back said proposed contract and requisition to this Commission for readvertising; and

Whereas, The Chief Engineer of this Commission, by communication dated July 27, 1923, has recommended that said proposed contract, as heretofore adopted, be readvertised,

Resolved, That said report and recommendation be and the same hereby is approved; that the said Invitation to Contractors, forming part of said proposed contract, as heretofore adopted, be published in the City Record every day of publication from and including August 3, 1923 to and including August 17, 1923 and on August 6, 1923 and August 13, 1923 in The Commercial and The Sun and The Globe, daily newspapers published in the City of New York and that such bids as shall be received shall, on the 17th day of August, 1923, at eleven-thirty (11:30) o'clock, A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

1039—R. T. 7591

Route No. 70-A—Resolution Rescinding Route and General Plan for Jackson Avenue, Newtown Creek and Manhattan Avenue Route and Directing Request to Board of Estimate and Apportionment to Return Route Without Further Consideration—Adopted

The following resolution was adopted:

Whereas, This Commission by resolution adopted on May 15, 1923 established a route and general plan for a proposed rapid transit railway in the Boroughs of Queens and Brooklyn, City of New York, known as the Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A and thereafter in accordance with the requirements of the provisions of the Rapid Transit Act transmitted said route and general plan to the Board of Estimate and Apportionment of the City of New York for its consideration and approval; and

Whereas, Said route and general plan was thereafter submitted by said Board of Estimate and Apportionment to its Committee on Transportation Facilities, which committee in conference with the Transit Commission has considered said route and general plan and the making of certain changes and modifications therein so as to provide for a through subway connection to the Borough of Manhattan instead of connecting with the elevated structure on the Queensborough Plaza of the Queensborough Bridge; and

Whereas, This Commission has, by resolution adopted coincidentally herewith, established the route and general plan of a proposed rapid transit railway in the Boroughs of Queens and Brooklyn, known as the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A-1, which incorporates the changes so agreed upon between the said committee of the Board of Estimate and Apportionment and this Commission, and is submitting said route to the Board of Estimate and Apportionment for its consideration and approval; and

Whereas, There is no longer any need for retaining said Route No. 70-A which is now supplanted by said Route No. 70-A-1,

Resolved, That said resolution of May 15, 1923 adopting the route and general plan for the said Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A be and the same hereby is in all respects rescinded, and that the Secretary of this Commission be and hereby is authorized and directed to request the Board of Estimate and Apportionment to return said Route No. 70-A to this Commission without further consideration thereon.

1040—R. T. 7591

Route No. 70-A-1—Resolution Adopting Route and General Plan for North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

NORTH JANE STREET, JACKSON AVENUE, NEWTOWN CREEK AND MANHATTAN AVENUE ROUTE, (ROUTE No. 70-A-1).

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Boroughs of Queens and Brooklyn, the center line of which shall begin at a point in the Borough of Queens at or near the intersection of Vernon Avenue and North Jane Street, where a connection can conveniently be made with the existing rapid transit railroad; thence extending easterly along and under North Jane Street and/or along, under and across Queensboro Bridge right-of-way and intervening streets to a point in North Jane Street and/or Queensboro Bridge right-of-way at or near Prospect Street; thence curving southwesterly across and under Queensboro Bridge right-of-way, South Jane Street, Hunter Avenue and private property to a point in Jackson Avenue at or near Henry Street; thence southwesterly along and under Jackson Avenue to a point at or near Vernon Avenue; thence southerly along and under Vernon Avenue to Newtown Creek; thence under Newtown Creek to Manhattan Avenue in the Borough of Brooklyn; thence southerly along and under Manhattan Avenue to a point at or near Clay Street where a connection can conveniently be made with other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by surface or subsurface structures or other special or local necessities, and at stations and curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches and, if necessary, for the purpose of tunneling by the shield method, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of

them. Any part of the longitudinal streets of the route may be occupied so far as the purpose of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, unless it shall be necessary to tunnel by the shield method, in which event the tracks may be placed in tubes which shall not exceed twenty (20) feet outside diameter; except that at stations, station approaches, fan chambers, emergency exits, duct man-holes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear or such diameter may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, unless it shall be necessary to tunnel by the shield method, in which event the tracks may be placed in tubes not exceeding twenty (20) feet outside diameter, as aforesaid; except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width or diameter may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in the same subway or tunnel, or there may be separate subways or tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railway.

Station and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction of the route shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or

other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place. The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OR DRAWING

It Is Further Resolved, That the map or drawing entitled "State of New York Transit Commission, Engineering Department, Route & General Plan, Route No. 70-A-1, North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Boroughs of Queens and Brooklyn," dated July 25, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The following communication to the Board of Estimate and Apportionment was approved:

July 31, 1923.

To the BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Under and in accordance with the provisions of the Rapid Transit Act (Chapter 4 of the Laws of 1891 as amended) the Transit Commission submits herewith for the approval of your Honorable Board and the approval of the Mayor of the City, a certified copy of a resolution adopted by it on July 31, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad to be known as the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route (Route No. 70-A-1).

This route begins at a point in the Borough of Queens, at or near the intersection of Vernon Avenue and North Jane Street where a connection can conveniently be made with the existing rapid transit railroad, and extends thence easterly along and under North Jane Street and/or along, under and across Queensboro Bridge right-of-way and intervening streets to a point near the Plaza of the Queensboro Bridge; thence curving southeasterly to Jackson Avenue; thence extending southwesterly and southerly along and under Jackson Avenue, Vernon Avenue, Newtown Creek and Manhattan Avenue, in the Borough of Brooklyn, to a point at or near Clay Street, where a connection can conveniently be made with other proposed rapid transit railroads.

Dated, July 31, 1923.

Attest:
JAMES B. WALKER
Secretary.

TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

1041—R. T. 7652

Route No. 45, Section No. 2—Communication from Board of Estimate and Apportionment Advising of Failure to Approve Proposed Contract with Patrick McGovern, Inc.—Referred to Chairman

The following communication was referred to the Chairman with power:

(Cal. No. 50)

July 25, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sirs:

At the meeting of the Board of Estimate and Apportionment on July 13, 1923, a resolution proposing to give the consent of this Board to a proposed contract with

Patrick McGovern, Inc., for the construction of Route No. 45, Section No. 2, (Broad and Nassau Streets) of the Broadway-Fourth Avenue Rapid Transit Railroad, and authorizing an appropriation of \$5,976,085.50 for the purpose thereof, was *lost*, all the members of the Board having voted in the negative on the proposed resolution.

Respectfully,
 JAMES MATTHEWS,
 Assistant Secretary.

1042—R. T. 3083, 2008, 7007

Contract No. 1—Proposed Communication to Board of Estimate and Apportionment Requesting Consolidation of All Various Existing Accounts for Extra Work Into One Account from Which All Future Charges May Be Paid—Approval Resolution

The following communication was approved:

July 31, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
 OF THE CITY OF NEW YORK.

Gentlemen:

Pursuant to the provisions of the contract dated February 21, 1900, between The City of New York, acting by the Board of Rapid Transit Commissioners for The City of New York and John B. McDonald for the construction and operation of the Manhattan-Bronx Rapid Transit Railroad, known as Contract No. 1, there have been performed numerous details of work which could not specifically be included in the original contract or indicated upon the plans made part thereof, but which work, wherever it might be needed, was provided for in the contract by the Rapid Transit Board having the right, during the progress of the work, to amplify the plans and to require additional work to be done or additional materials to be furnished, or both, within the general purview of a rapid transit railroad as described in the general plan, which work is contractually called and commonly referred to as "Extra Work." This work was authorized and has been prosecuted at various times between the date of said contract and the present time. While the character of the work was in all respects contractually similar, to wit, Extra Work as understood and defined in said Contract No. 1, the practice has been, in most instances, to approve an agreement modifying Contract No. 1 for the specific unit of additional work then under consideration and to appropriate, for the purpose of said agreement, the money estimated to be necessary to meet the cost thereof.

This practice has resulted in the establishment of almost as many separate, independent appropriations as there are modifying agreements and has entailed the additional bookkeeping and administration incident to the control and supervision of an unnecessarily large number of accounts, whereas, in the opinion of the Commission the proper and more efficient practice would have been to establish one "Extra Work" Fund or account supplementing it from time to time as the additional units were found to be necessary and approved and authorized by the Board of Estimate and Apportionment. The further result of the above outlined procedure is that there exists in the numerous accounts odds and ends of appropriations for which no further purpose can be foreseen.

While the provisions of Contract No. 1 authorizing the performance of Extra Work has been suspended by virtue of the provisions of the contract dated March 19, 1913, known as Contract No. 3, there remains to be performed as Extra Work under Contract No. 1 those details which have been authorized but not completed. There are also such other units of work which must necessarily be performed under Contract No. 1 in view of the definition of Existing Railroads under Contract No. 3, which requires that matters *initiated* prior to the beginning of the lease under Contract No. 3 pertaining to the Manhattan-Bronx Rapid Transit Railroad shall be performed as Extra Work under Contract No. 1 and the work of constructing the additional entrance at 168th Street Station of said railroad, which may be eliminated from consideration here inasmuch as it is performed under a contract with an independent contractor, to which a separate code is assigned.

The Commission therefore feels that all of the unneeded balances of odds and ends of appropriations hereinbefore referred to made for the purposes of Contract No. 1

and which, in the beginning, should have supplemented the appropriation for extra work be now closed and transferred into one single account to be known and referred to as "Extra Work, Contract No. 1" and from which all future charges for Extra Work under Contract No. 1, for whatever purpose, may be charged and paid. If the aggregate of such balances prove in the future not to be sufficient, the Commission then can request a supplemental appropriation to said consolidated and unified fund for the purposes to be therein indicated. The Commission is firmly convinced that such action would avoid much time and the confusion of carrying dead accounts, create a ready reservoir for the existing and future necessities of Extra Work under Contract No. 1 by the utilization of such unexpended balances which would obviate to such extent the further authorization of corporate stock for future Extra Work requirements under Contract No. 1.

The Commission accordingly hereby requests your Honorable Board to take such action as may be necessary to transfer to and consolidate all the various existing accounts for Extra Work under Contract No. 1 to one single account to be known as Extra Work, Contract No. 1. This will not apply to the appropriation provided for the construction of the additional entrance at the 168th Street Station of the Manhattan-Bronx Rapid Transit Railroad. Such action also will not affect the requirement to submit to and procure the approval of your Honorable Board to the carrying out of new units of Extra Work or any increase in the quantity of work of completing units already authorized.

TRANSIT COMMISSION,
BY GEORGE MCANENY,
Chairman.

The following resolution was adopted:

Resolved, That this Commission do and hereby does approve and adopt the proposed requisition now submitted by Counsel upon the Board of Estimate and Apportionment, requesting said Board to consolidate and unify all the various existing accounts for Extra Work under Contract No. 1, into one account to be known and referred to as "Extra Work, Contract No. 1" from which all future charges for Extra Work under Contract No. 1, for whatever purpose, may be charged and paid, and that said requisition so adopted be transmitted to said Board of Estimate and Apportionment.

1043—R. T. 7612

Agreement "CG"—Report by Chief Engineer Recommending Extension of Time to July 14, 1923, Within Which to Complete Contract for Concreting Voids Under Platform of Eighth Street Station—Approval Resolution

A report was presented from the Chief Engineer, dated July 25, 1923, recommending that an extension of time be granted to Edwards & Flood, Inc., from June 12, 1923, to and including July 14, 1923, within which to complete all work under the contract for concreting voids under the platform of the Eighth Street Station of the Broadway-Fourth Avenue Line, Agreement "CG."

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission, by communication dated July 25, 1923, has reported with respect to the completion of the work under the contract dated April 2, 1923, between The City of New York, acting by the Transit Commission, and Edwards & Flood, Inc. (Agreement "CG") for concreting voids under platform of Eighth Street Station of the Broadway-Fourth Avenue Line, Route No. 5, Section No. 4, and for the reasons therein more particularly set forth has recommended that the time for the completion of all the work under said contract be extended from June 12, 1923 to and including July 14, 1923,

Resolved, That said report and recommendation be and the same hereby is approved; that the time of Edwards & Flood, Inc., within which to complete all the work under the contract aforesaid be and the same hereby is extended to and including July 14, 1923, provided, however, that such extension of time shall not take effect unless and until there shall be filed with this Commission a consent in writing in form to be approved by Counsel to this Commission by the sureties upon the bond deposited as security for the faithful performance of said contract by said contractor, to the extension of time herein provided for.

1044—R. T. 7108

Routes Nos. 4 & 36, Section No. 4—Resolution Declaring Additional Crossover at Broadway and 44th Street Ready for Operation—Adopted

The following resolution was adopted:

Resolved, That under and in pursuance of the provisions of the contract known as Contract No. 4, dated March 19, 1913, made between the City of New York, acting by the Public Service Commission for the First District, and the New York Municipal Railway Corporation, the Commission hereby declares the following portion of the Broadway-Fourth Avenue Line as described in said Contract No. 4 to be ready for operation at 7 A. M. o'clock on Sunday, August 5th.

The additional crossover between Tracks 3 and 4 at Broadway and 44th Street of the Broadway-Fourth Avenue Line (approximate general stationing Station 37/76 to 33/29) known as Special Work Portion 115 connecting with the original single crossover at the same location.

1045—R. T. 7600

Route No. 52, Section No. 1—Report by Chief Engineer Recommending Approval of Substitution of Timber Piles for Reinforced Concrete Piles—Referred to Commissioner O'Ryan

A report was presented from the Chief Engineer dated July 31, 1923, recommending approval to the substitution of timber piles for reinforced concrete piles under the contract with Gustin-Morris Contracting Corporation for the construction of column foundations for Section No. 1 of Route No. 52, Flushing Line. The matter was referred to Commissioner O'Ryan.

1046—R. T. 3003

Contracts Nos. 1 and 2—Communication from Department of Finance Requesting Statement of Rental Due City from Interborough Rapid Transit Company for Quarter Ended March 31, 1923—Copy of Reply Approved

A communication was presented from the Department of Finance, by Arthur J. Philbin, Deputy Comptroller, dated April 5, 1923, requesting a statement of rental due the City from the Interborough Rapid Transit Company for the quarterly period ended March 31, 1923, under the contracts for the Manhattan-Bronx and Brooklyn-Manhattan Rapid Transit Railroads.

A copy of the following reply was approved:

April 25, 1923.

Rentals under Contracts No. 1 and No. 2 for Quarterly Period ended March 31, 1923.
HON. CHARLES L. CRAIG, Comptroller,
Department of Finance,
Municipal Building,
New York City.

Dear Sir:

Receipt is acknowledged of a communication dated April 5, 1923, from Mr. A. J. Philbin, Deputy Comptroller, (Reference "Accountancy") transmitting "copies of statements and letter sent to the Interborough Rapid Transit Company with respect to the amount of rental payable by said Lessee Company for the quarterly period ended March 31, 1923, under the provisions of the contracts for operation of the Manhattan-Bronx and the Brooklyn-Manhattan Rapid Transit Railroads (Contracts Nos. 1 and 2)," and requesting that your Department be furnished with the usual statements for said quarterly period, containing the information classified and arranged as in the quarterly statements heretofore prepared.

The statements are reported by our Bureau of Accounting and Valuations to be correct except in the particular to which the attention of your office has been directed in previous communications on this subject. In the tabulation given below comparison is made between the rental as computed by your Department and as adjusted to conform with the records of the Transit Commission. The comparison shows your rental figures for Contract No. 1 to be excessive in the amount of \$275.84.

	Department of Finance		Transit Commission	
	Amount	%	Amount	%
Total outlays to March 31, 1923, on account of construction; terminals; interest, etc.	\$51,493,515.49	95.742182	\$51,493,515.49	95.682813
Easements; Real Estate and Rights of Way	\$2,333,153.25			
Changes in Station at 149th Street	13,397.20			
	<u>\$2,346,550.45</u>			
Less amount paid for easements from miscellaneous receipts	56,545.84			
	<u>\$2,290,004.61</u>	2,290,004.61	4.257818	
Adjustments:				
Expenditures for easements made in 1917 but not included in report of Department of Finance	21,096.25			
Expenditures for easements made in 1920 but not included in report of Department of Finance ...	12,274.55			
	<u>\$2,323,375.41</u>		2,323,375.41	4.317187
		<u>\$53,783,520.10</u>	100	<u>\$53,816,890.90</u>
				100

Finance Department computation of Rental payable by Interborough Rapid Transit Company under Contract No. 1 for the quarterly period ended March 31, 1923:		
95.742182% of \$464,621.76 (total interest for quarter).....		\$444,839.01
Transit Commission computation of Rental payable by Interborough Rapid Transit Company under Contract No. 1 for the quarterly period ended March 31, 1923:		
95.682813% of \$464,621.76 (total interest for quarter).....		444,563.17
Adjustment of Rental (Reduction).....		<u>\$275.84</u>

[July 31, 1923

If you desire, I shall be pleased to designate a representative of the Transit Commission to confer with your Department, with a view to bringing this matter to a conclusion.

Yours very truly,
 JAMES B. WALKER,
 Secretary.

1047—R. T. 3003

Contracts Nos. 1 and 2—Communication from Department of Finance Requesting Statement of Rental Due City from Interborough Rapid Transit Company for Quarter Ended June 30, 1923—Copy of Reply Approved

A communication was presented from the Department of Finance, by Arthur J. Philbin, Deputy Comptroller, dated July 14, 1923, requesting a statement of rental due the City from the Interborough Rapid Transit Company for the quarterly period ended June 30, 1923, under the contracts for the Manhattan-Bronx and Brooklyn-Manhattan Rapid Transit Railroads.

A copy of the following reply was approved:

July 28, 1923.

Rentals under Contracts Nos. 1 and 2 for Quarterly Period ended June 30, 1923.

Hon. CHARLES L. CRAIG, Comptroller,
 Department of Finance,
 Municipal Building,
 New York City.

Dear Sir:

Receipt is acknowledged of a communication dated July 14, 1923, from Mr. A. J. Philbin, Deputy Comptroller, (Reference "Accountancy") transmitting "copies of statements and letter sent to the Interborough Rapid Transit Company with respect to the amount of rental payable by said Lessee Company for the Quarterly period ended June 30, 1923, under the provisions of the contracts for operation of the Manhattan-Bronx and the Brooklyn-Manhattan Rapid Transit Railroads (Contracts Nos. 1 and 2)," and requesting that your Department be furnished with the usual statements for said quarterly period, containing the information classified and arranged as in the quarterly statements heretofore prepared.

The statements are reported by our Bureau of Accounting and Valuations to be incorrect in the particular to which the attention of your office has been directed in previous communications. The method used by your Department in computing the rental for the quarter year ended June 30, 1923 is considered inequitable in that 100% of the interest accrued on notes issued for construction purposes under Contract No. 1 is charged to the Interborough Rapid Transit Company, although the expenditures from such notes have been included in the amounts used in computing the percentage of the bond interest chargeable to the Company. In the tabulation given below comparison is made between the rental as computed by your Department and as adjusted to conform with the records of the Transit Commission. The comparison shows your rental figures for Contract No. 1 to be excessive in the amount of \$959.94.

	Department of Finance		Transit Commission	
	Amount	%	Amount	%
Total outlays to June 30, 1923 on account of Construction; terminals; interest, etc.....	\$51,515,102.81		\$51,515,102.81	95.743890
Deduct:				
Corporate Stock Notes issued.	1,906,000.00			
Less cash balance	25,133.44			
	<u>\$1,880,866.56</u>			
	\$49,634,236.25		\$49,634,236.25	95.528325
Easements; Real Estate and Rights of Way	2,333,153.25			
Changes in Station at 149th Street	13,397.20			
	<u>\$2,346,550.45</u>			
Less amount paid for easements from miscellaneous receipts	56,545.84			
	<u>\$2,290,004.61</u>	2,290,004.61	4.256110	
Adjustments:				
Expenditures for easements made in 1917 but not included in report of Department of Finance	21,096.25			
Expenditures for easements made in 1920 but not included in report of Department of Finance	12,274.55			
	<u>\$2,323,375.41</u>		2,323,375.41	4.471675
	\$53,805,107.42	100	\$51,957,611.66	100
Department of Finance computation of Rental payable by Interborough Rapid Transit Company under Contract No. 1 for the quarterly period ended June 30, 1923:				
95.743890% of \$445,316.66 (Quarterly Bond Interest).....			\$426,363.49	
100% of \$19,054.80 (Interest on Notes).....			19,054.80	
			<u>\$445,418.29</u>	
Transit Commission computation of Rental payable by Interborough Rapid Transit Company under Contract No. 1 for the quarterly period ended June 30, 1923:				
95.528325% of \$445,316.66 (Quarterly Bond Interest).....			\$425,403.55	
100% of \$19,054.80 (Interest on Notes).....			19,054.80	
			<u>444,458.35</u>	
Adjustment of Rental (Reduction).....				\$959.94

If you desire, I shall be pleased to designate a representative of the Transit Commission to confer with your Department, with a view to bringing this matter to a conclusion.

Very truly yours,
 JAMES B. WALKER,
 Secretary.

1048—R. T. 4007

Contract No. 1—Report by Commissioner O’Ryan Concurring in the Recommendation of the Chief Engineer for the Lengthening of Local Station Platforms to 480 Feet—Resolution Directing Hearing Be Held

A report was presented from Commissioner O’Ryan, dated July 30, 1923, concurring in the recommendation by the Chief Engineer for the lengthening to 480 feet of the local station platforms between Brooklyn Bridge and Grand Central stations, with the exception of 33rd Street Station, and between Times Square station and 96th Street station.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission has recommended the lengthening of the following local stations, to wit: Worth Street, Canal Street, Spring Street, Bleecker Street, Astor Place, 18th Street, 23rd Street, 28th Street, 50th Street, 59th Street (Columbus Circle), 66th Street, 79th Street, 86th Street and 91st Street of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads, as defined in the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, to 480 feet for the purpose of permitting of operation of ten-car trains at said local stations; and

Whereas, This Commission is of the opinion that before final approval to said recommendation is given a hearing upon the question of lengthening such stations should be held,

Resolved, That a hearing upon the question of the lengthening of the platforms of the aforesaid stations to 480 feet for the purpose of accommodating ten-car trains, be held by and before this Commission at its office, No. 49 Lafayette Street, in the Borough of Manhattan, City of New York, on August 9, 1923 at 10.30 A. M., and that a certified copy of this resolution be transmitted to Interborough Rapid Transit Company.

1049—R. T. 7368

Contract No. 3—Report by Chief Engineer Recommending Modification of Resolution of July 17, 1923, Approving Supplementary Schedule Items for Pull Boxes and Panel Board Boxes Under Contract for Second Addition to Shops at Lenox Avenue and 148th Street Yard so as to Substitute Price for Pull Boxes—Modifying Resolution

A report was presented from the Chief Engineer, dated July 21, 1923, recommending that the resolution adopted on July 17, 1923, approving supplementary schedule items for cast iron pull boxes and panel board boxes under the contract for Second Addition to Shops at the Lenox Avenue and 148th Street Yard, be modified so as to substitute the price of \$6.10 each in place of \$5.10 for 6-inch by 6-inch by 6-inch cast iron pull boxes.

The following modifying resolution was adopted:

Whereas, By resolution adopted July 17, 1923, this Commission, pursuant to the provisions of Item 150 of the contract dated May 23, 1922, between The City of New York, acting by the Transit Commission, and Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops, Lenox Avenue and 148th Street Yard, Contract No. 3, approved of the action of the Acting Chief Engineer of this Commission in adopting the following supplemental schedule item:

Item No. 797 (a) For furnishing and installing complete 6-inch by 6-inch by 6-inch cast iron pull boxes, the sum of Five and 10/100 Dollars (\$5.10) each.

; and

Whereas, The Chief Engineer of this Commission, by communication dated July 21, 1923, has reported with respect to such matter as follows:

In letter of July 18, 1923 the Contractor calls attention to the fact that the price of 6-inch by 6-inch by 6-inch cast iron pull boxes should be \$6.10 instead of \$5.10. The price of \$5.10 for the 6-inch by 6-inch by 6-inch cast iron pull boxes was an inadvertent error due to a poor copy of letter being used. The price of \$6.10 is reasonable and I thereby submit the following

Recommendation: That resolution of July 17, 1923 approving the above Supplementary Schedule Items be modified so that Item No. 797 (a) reads as follows:

For furnishing and installing complete, 6-inch by 6-inch by 6-inch cast iron pull boxes, the sum of Six and 10/100 Dollars (\$6.10) each.

Resolved, That said report and recommendation be and the same hereby is approved and that the resolution of July 17, 1923 be and the same hereby is modified by striking from Item No. 797 (a) the words and figures "Five and 10/100 Dollars (\$5.10)" and by substituting in place thereof the following: *Six and 10/100 Dollars (\$6.10).*

1050—R. T. 7007

Contract No. 1—Resolution Modifying Resolution of July 24, 1923, Approving Proposed Purchasing Agent's Order by Interborough Rapid Transit Company for 850,000 Feet of Cable for Installation in Connection with Multiple Door Control on 982 Subway Cars so as to Substitute Reference to Different Class of Material to Be Furnished—Adopted

The following resolution was adopted:

Whereas, This Commission, on July 24, 1923, adopted a resolution approving, as therein more particularly set forth, the proposed purchasing agent's order dated July 6, 1923, directed to Okonite Company for 850,000 feet of cable for use in the installation of the multiple door control on 982 subway cars, as submitted by Interborough Rapid Transit Company under date of January 30, 1923, which order inadvertently included the report of the Auditor of Rapid Transit Costs upon another subject,

Resolved, That said resolution of July 24, 1923 be and the same hereby is modified by striking therefrom the following:

"Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 20, 1923, recommended that said proposed purchasing agent's order be approved upon the following conditions:

- (1) That the cost of the unilets and covers required for original installation in the 982 subway cars be classified as Contract No. 1 Equipment in so far as cost is paid out of moneys provided under the Saratoga Award.
- (2) That the cost of the unilets and covers in excess of the number required for original installation in the 982 subway cars be charged to Operating Materials and Supplies Account.'

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such approval being given upon condition (1) that the cost of the unilets and covers required for original installation in the 982 subway cars be classified as Contract No. 1 Equipment in so far as cost is paid out of moneys provided under the Saratoga Award, and (2) that the cost of the unilets and covers in excess of the number

required for original installation in the 982 subway cars be charged to Operating Materials and Supplies Account."

and by substituting in place thereof the following:

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by communication dated July 20, 1923, recommended that said proposed purchasing agent's order be approved upon the following conditions:

- (1) That pursuant to the Commission's approval resolution of January 30, 1923:
 - (a) the cost of cable required for installation in the 982 subway cars less the original cost of cable removed incidental to the installation of additional safety features be classified as Contract No. 1 Equipment in so far as cost is payable out of moneys provided under the Saratoga Award.
 - (b) the cost of cable required for installation in the 982 subway cars equal to the original cost of cable removed incidental to the installation of additional safety features be classified as Replacements of Existing Equipment.
- (2) That the cost of cable required for original installation in the 100 trailer cars be classified as Additional Equipment for the Railroad under Work Order No. IBA-3, heretofore approved.
- (3) That the cost of cable in excess of that required for the above purposes be charged to Operating Materials and Supplies Account.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form approval of this Commission made part of said proposed purchasing agent's order, such approval being upon condition (1) that pursuant to the Commission's approval resolution of January 30, 1923; (a) the cost of cable required for installation in the 982 subway cars less the original cost of cable removed incidental to the installation of additional safety features be classified as Contract No. 1 Equipment in so far as cost is payable out of moneys provided under the Saratoga Award, (b) the cost of cable required for installation in the 982 subway cars equal to the original cost of cable removed incidental to the installation of additional safety features be classified as Replacements of Existing Equipment. (2) that the cost of cable required for original installation in the 100 trailer cars be classified as Additional Equipment for the Railroad under Work Order Number IBA-3, heretofore approved, and (3) that the cost of cable in excess of that required for the above purposes be charged to Operating Materials and Supplies Account.

Further Resolved, That said resolution of July 24, 1923, as hereby amended be and hereby is in all respects confirmed and approved.

1051—R. T. 6668, 7011

Contract No. 4—Application by New York Rapid Transit Corporation Requesting Approval of Proposed Purchasing Agent's Order for Drainage Pumps for 14th Street-Eastern Line—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated July 16, 1923, requesting approval of a proposed purchasing agent's order, dated July 10, 1923, directed to Rumsey Pump & Machinery Company for furnishing drainage pumps for the 14th Street-Eastern Line at a cost of \$3,045.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated July 25, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the material as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has submitted, for the approval of this Commission, a proposed purchasing agent's order dated July 10, 1923, directed to Rumsey Pump & Machinery Company for the following:

- 2 Motor-driven, 5" x 8", Triplex Reciprocating Pumps, each having a capacity of 100 gallons per minute against a 60-foot head. Pumps to be equipped with a 5 H. P. direct connected motor, together with controllers, sump switch, float, pulleys and chains, all in accordance with our specifications dated May 12th, 1923
For the total lump sum of..... \$2,180.00
- 1 Motor-driven, centrifugal pump, having a capacity of 500 gallons per minute, pump to be equipped with a 15 H. P. direct connected motor, together with shaft, bearings, controller, sump switch, float and brass connecting rod, all in accordance with our specifications dated March 20th, 1920
For the lump sum of..... \$865.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 362"; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 25, 1923, reported that the following bids were taken for such pumps:

	2 100-gal. Pump	1 500-gal. Pump	Total Price
Rumsey Pump and Mach. Company	\$2,180.00	\$865.00	\$3,045.00
Morris Machine Works	No bid	1,252.50	.....
Worthington Pump and Mach. Corp.	2,620.00	1,314.00	3,934.00
Gould Mfg. Co.	2,930.00	1,160.00	4,090.00
Yeomans Bros.	No bid	1,653.00	.....

; that the pumps are a necessary part of the standard equipment of the 14th Street-Eastern Line of the Railroad described in said Contract No. 4; that the prices are reasonable and the best obtainable; that the specifications submitted with the said proposed purchasing agent's order are satisfactory from an engineering standpoint and accordingly recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated July 27, 1923, has recommended that such material be classified as Equipment of the Railroad,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such approval being upon condition that the said material shall be classified as Equipment of the Railroad, as defined in said Contract No. 4.

1052—R. T. 6416, 6481, 7007

Route No. 52—Communication from Acting Engineer of Equipment and Operation and Chief Engineer Requesting Advice as to Policy in Regard to Operation of Wooden Cars Over Flushing Extension—Motion Directing that no Wooden Cars Be Permitted to Operate—Adopted

A communication was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated July 25, 1923, calling attention to the present conditions

under which wooden cars are used by the Interborough Rapid Transit Company and the New York Rapid Transit Corporation for the joint operation of the Corona Line, and requesting advice as to the policy in regard to the future operation of the Flushing Extension.

On motion, duly seconded and adopted, it was directed that no wooden cars be permitted to be used in the operation of the Flushing Extension when built, and the Secretary was directed to notify the lessee companies of such decision.

1053

Contract No. 2—Communication from Commissioner of Parks Submitting Complaint of Mr. Louis L. Tribus as to Congestion Between Subway Entrances at South Ferry—Report by Chief Engineer Recommending Cutting Back of Subway Stairway Landings and Removal of Newsstand and Light Pole—Report Approved

A communication dated July 12, 1923 was presented from Hon. Francis D. Gallatin, Commissioner of Parks, transmitting a complaint from Mr. Louis L. Tribus, dated June 29, 1923, as to congested conditions between the subway entrances at South and Whitehall Streets due to obstruction caused by projecting subway stairway landings and the interference by a newsstand and electric light pole.

A report was presented from the Chief Engineer dated July 28, 1923, recommending that the corners of the subway stairway landings be cut back so that a minimum passageway of fourteen feet in width will be provided between the stairway landings, instead of ten feet as now existing, and suggesting that the Park Commissioner be requested to arrange for the removal of the newsstand and the electric light pole at that point.

Upon motion, duly seconded and adopted, the recommendation of the Chief Engineer was approved and the Secretary was directed to request the Commissioner of Parks to arrange for the removal of the newsstand and the electric light pole.

1054

Contract No. 2—Communication from State Island Chamber of Commerce Submitting Suggestion of Mr. O. J. Thomen for Construction of Moving Sidewalks to Connect Subway Stations at South Ferry with Staten Island Ferry House—Report by Chief Engineer Recommending Disapproval—Motion Approving Report by Chief Engineer

A communication was presented from the Staten Island Chamber of Commerce by John R. Hugi, Chairman of the Traffic and Transportation Committee, dated July 13, 1923, submitting a suggestion from Mr. O. J. Thomen dated June 8, 1923, for the construction of underground moving sidewalks connecting the subway stations in the neighborhood of South Ferry with the Staten Island Ferry House.

A report was presented from the Chief Engineer dated July 28, 1923, recommending that the suggested construction of a proposed moving platform be disapproved in view of the great expense involved.

Upon motion, duly seconded and adopted, the report by the Chief Engineer was approved.

July 31, 1923]

760

1055—R. T. 7489

Route No. 31—Communication from Commissioners of Sinking Fund Referring Back Request for Approval of Sale of Property on Westerly Side of Linwood Street Between New Lots and Hegeman Avenues, Borough of Brooklyn—Referred to Real Estate Clerk

The following communication from the Commissioners of the Sinking Fund was referred to the Real Estate Clerk:

July 28, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

At the meeting of the Commissioners of the Sinking Fund on July 26, 1923, the request of the Transit Commission for approval of a sale at public auction, at an upset price of \$12,000, of a parcel of land located on the westerly side of Linwood Street, between New Lots, and Hegeman avenues, Borough of Brooklyn, and containing 30,878 square feet, was referred back to the Transit Commission with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter may be again submitted to the Commissioners of the Sinking Fund for their approval.

Respectfully,
JAMES MATTHEWS,
Secretary.

1056—R. T. 7489

Route No. 31—Communication from Commissioners of Sinking Fund Referring Back Request for Approval of Sale of Property on Easterly Side of Elton Street between New Lots and Hegeman Avenues, Borough of Brooklyn—Referred to Real Estate Clerk

The following communication from the Commissioners of the Sinking Fund was referred to the Real Estate Clerk:

July 27, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

At the meeting of the Commissioners of the Sinking Fund on July 26, 1923, the request of the Transit Commission for approval of a sale at public auction, at an upset price of \$9,900, of a parcel of land located on the easterly side of Elton street between New Lots and Hegeman avenues, Borough of Brooklyn, and containing 27,132 square feet, was referred back to the Transit Commission with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter may be again submitted to the Commissioners of the Sinking Fund for their approval.

Respectfully,
JAMES MATTHEWS,
Secretary.

1057—R. T. 7345

Route No. 48, Section No. 3—Communication from Commissioners of Sinking Fund Referring Back Request for Approval of Sale of Strip of Land on North Side of Clark Street Between Columbia Heights and Furman Street, Borough of Brooklyn—Referred to Real Estate Clerk

The following communication from the Commissioners of the Sinking Fund was referred to the Real Estate Clerk:

July 27, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

At the meeting of the Commissioners of the Sinking Fund on July 26, 1923, a communication from the Transit Commission dated December 29, 1922, stating that a

certain parcel of land (38 feet 2 inches by 130 feet) located on the northerly side of Clark street, between Columbia Heights and Furman street, Borough of Brooklyn, was offered for sale at public auction on April 28, 1921, at the upset price of \$20,000, as approved by the Commissioners of the Sinking Fund on February 17, 1921, without any bids being received for it, was referred back to the Transit Commission for further consideration and action in accordance with law.

Respectfully,
 JAMES MATTHEWS,
 Secretary.

1058—Cases 1264 and 1380

The Long Island Railroad Company—Alterations and Changes in Grade Crossing with Company's Tracks at Hempstead and Jamaica Turnpike (Case No. 1264)—Alterations and Changes in Grade Crossings with Company's Tracks at Bennett or Baylis Avenue, Wertland, Creed Avenue and Madison Avenue (Case No. 1380)—Resolution for Hearing on Partial Accounting Adopted

The Secretary presented a communication, dated June 22, 1923, from L. V. Morris, Chief Engineer of The Long Island Railroad Company, submitting blue print showing cost of elimination of grade crossings in Queens directed by the Order in Cases Nos. 1264 and 1380.

The Secretary also presented a report, dated July 26, 1923, by W. L. Selmer, Engineer of Structures, approved by W. C. Whiston, Acting Engineer of Equipment & Operation, recommending that the Commission on the preliminary accounting certify payment of \$70,000 each by the City and State of New York.

Thereupon the Commission adopted and ordered filed a Resolution in Cases Nos. 1264 and 1380, directing a hearing for partial accounting on August 15, 1923 at 10:30 A. M., and certifying and authorizing Carleton S. Cooke, Assistant Counsel to the Commission, pursuant to Sections 8 and 11 of the Public Service Commission Law to conduct said hearing, to take the testimony therein and report same to the Commission together with his opinion thereon for its decision and determination.

1059—Case 2158

The Bronx Traction Company—Application for Approval of Declaration of Abandonment of Portion of Route on Morris Park Avenue from Bronxdale Avenue to Williamsbridge Road—Petition of Company for Reopening of Proceeding—Referred to Counsel

The Secretary presented a petition, dated July 23, 1923, of The Bronx Traction Company by Leslie Sutherland, Vice President, asking that the hearing on its application for the approval of declaration of abandonment in Case No. 2158 for the portion of the route on Morris Park Avenue, between Bronxdale Avenue and Williamsbridge Road, be re-opened in order that petitioner may present additional evidence relative to a notice served on the company by the President of the Borough of The Bronx that the City of New York intends paving said portion of Morris Park Avenue.

Thereupon the above mentioned petition was referred to Counsel to the Commission.

1060—Case 2683

The Concourse Bus Line, Inc.—Application for Certificate of Public Convenience and Necessity for Operation of Stage Routes by Auto-Buses on Certain Streets in Boroughs of Manhattan and The Bronx—Communication from Attorney for Company Relative to Franchise Granted by the City of New York—Opinion by Counsel Approved—Letter to Attorney for Company Authorized

The Secretary presented an opinion, dated July 25, 1923, by George H. Stover, Assistant Counsel, approved by Counsel to the Commission, reading as follows:

July 25, 1923.

To TRANSIT COMMISSION:

Concourse Bus Line, Inc.—Inquiry of Max Monfried.

There has been referred to me a letter from Max Monfried, Attorney for the Concourse Bus Line, Inc., dated July 19, 1923, stating that The City of New York has granted the company a franchise for the operation of its buses over the same route mentioned in its earlier franchise and asking whether the existing certificate of necessity will be sufficient for the continuation of the operation of the buses.

The letter submits no copy of the new franchise, but an advertised copy of the franchise is to be found in the the City Record for July 13, 1923 at page 4819. Section 1 (b) of the proposed contract states the arrangement of the routes in The Bronx somewhat differently from the manner in which they are stated in the original franchise contract of May 1, 1923. While there is probably no alteration of route, this involves a question of fact on which I think Counsel ought not to pass.

Mr. Monfried's letter speaks of the new franchise as "the extended franchise." In a practical sense this is probably true. Strictly speaking, however, it is not a renewal in the sense that street railway franchise contracts provide for renewals. The original contract contains no express provision for renewal and the advertised form seems to make no reference to a prior franchise and on its face treats this as a new proposition.

I incline to the view that if the Commission has once certified that the public convenience and necessity require the operation of buses over a specified route, as it did in Case No. 2683 on May 3, 1923, this is sufficient where the same company secures, upon the termination of a franchise limited as to time, another franchise for a further period, covering the same route. As, however, this is a purely legal question which can only be finally determined by the courts and as other public officers might entertain other views of the law, I suggest that in replying to this informal inquiry care be taken to avoid furnishing the company with a moral defense or seeming in any way to act as legal adviser for the company. As a general rule the duty of the Commission is to enforce and not interpret in advance the law. This seems to be particularly true where the inquiry fails to state all the facts on which an opinion should be based.

There is one question presented on which I am clearly of the opinion that the Commission should express no opinion. Section 7 of the proposed contract, as it appears in the City Record, provides:

"Seventh—The company shall commence operation immediately upon receiving the necessary approval or authority from the Transit Commission as required by law. If, however, such approval or authority shall not be obtained by the company within thirty (30) days from the date upon which this contract is signed by the Mayor the right and privilege hereby granted shall cease and determine and no operation shall take place hereunder."

This may conceivably be interpreted as a condition attached by the Board of Estimate which requires a certificate from the Commission, the failure to secure which would subject the company to the forfeiture of its franchise. This, in my opinion, must be left for the company to determine.

Transmitted herewith is a proposed form of reply.

GEORGE H. STOVER,
Assistant Counsel.

Approved: GEORGE O. REDINGTON,
Counsel.

[July 31, 1923]

Thereupon the above mentioned Opinion in Case No. 2683 was approved and a communication to Max Monfried authorized in the following form:

July 31, 1923.

MAX MONFRIED, Esq.,
299 Broadway,
New York City.

Re: Concourse Bus Line franchise.

Dear Sir:

As your letter of July 19, 1923, asking whether the existing certificate of convenience and necessity will be sufficient for the continuation of operation of the buses of the Concourse Bus Line, Inc., contains no copy of the new franchise, the Commission prefers to express no final opinion on a matter which may ultimately come before it on a formal application. As a general proposition and without reference to the specific case, it inclines to the view that, when the Commission has once certified that the public convenience and necessity require the operation of buses over a specified route, this is sufficient where the same company secures an extended franchise covering the same route.

Very truly yours,

JAMES B. WALKER,
Secretary.

1061—R. T. 7665

Routes Nos. 36 & 37, Section No. 1—Communication from Acting Corporation Counsel Returning, Approved as to Form, Proposed Contract for Switchback Track and Miscellaneous Work East of Queensboro Plaza Station—Filed

The Commission ordered filed a communication, dated July 25, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning, approved as to form, a proposed contract with B. T. & J. J. Mack, Inc., for the construction of a switchback track and miscellaneous work east of the Queensboro Plaza Station to effect joint operation of the Queens Lines.

1062—R. T. 7654

Routes Nos. 19 & 22, Section No. 2—Communication from Corporation Counsel Requesting Verification and Signature to Petition for Order of Condemnation for Acquisition of Property Between Westchester and Blondell Avenues, Eastchester Road, Haswell Street and Waters Avenue, Borough of The Bronx—Filed

The Commission ordered filed a communication dated June 27, 1923, from George P. Nicholson, Corporation Counsel, submitting for verification and signature, as required by Section 43 of the Rapid Transit Act, a petition to the Supreme Court for an Order of Condemnation for the acquisition of an estate in fee simple absolute in and to certain premises between Westchester and Blondell Avenues, Eastchester Road, Haswell Street and Waters Avenue, Borough of The Bronx, required for the proposed Westchester Avenue Storage Yard, the petition having been verified and signed and returned to the Corporation Counsel.

1063

Street Changes—Certified Copies of Resolutions of Board of Estimate and Apportionment Establishing Roadway and Sidewalk Widths and Authorizing Removal of Encroachments on Madison Avenue from East 24th Street to East 34th Street and from East 35th Street to East 41st Street, Borough of Manhattan—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on July 13, 1923, were ordered filed:

(Cal. No. 87-A)

Resolved, By the Board of Estimate and Apportionment, that the widths of the roadway and sidewalks on Madison avenue from the north curblin of East 24th street to the south curblin of East 34th street and from the north curblin of East 35th street to the south curblin of East 41st street, Borough of Manhattan, be established as follows:

The roadway shall be centrally located and shall have a width of forty-five (45) feet.

The width of the sidewalks on each side of the roadway shall be fifteen (15) feet;

—and be it further

Resolved, That all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which interfere with the proper support of the roadway, curb, and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 87-B)

Whereas, The entire width of Madison avenue between East 24th and East 30th streets and between East 35th and East 41st streets, Borough of Manhattan, is required for public purposes, be it

Resolved, By the Board of Estimate and Apportionment, that all ordinances, permits or licenses heretofore adopted or granted by the City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of Madison avenue between East 24th and East 30th streets and between East 35th and East 41st streets, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1064

Employees' Calendar No. 156

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved: That this Commission takes the following action with reference to employees:

Appointment (Exempt)—Margaret F. Richters, stenographer to Commission, at \$200.00 per month, to take effect August 1, 1923.

Appointments—Samuel Axelrod, junior assistant, at \$125.08 per month, to take effect August 4, 1923; George M. Biales, draftsman, at \$150.08 per month, to take effect August 4, 1923; William J. Broderick, junior assistant, at \$125.08 per month, to take effect August 4, 1923; Willard J. Carmel, draftsman, at \$150.08 per month, to take effect August 1, 1923; Jacob J. Delbourgo, junior assistant, at \$125.08 per month, to take effect August 4, 1923; Harry Garfinkel, draftsman, at \$150.08 per month, to take effect August 4, 1923; Edward J. Hanley, transit inspector, at \$125.08 per month,

to take effect August 6, 1923; Aaron Kahn, draftsman, at \$150.08 per month, to take effect August 21, 1923; Meyer Michalowitz, draftsman, at \$150.08 per month, to take effect August 17, 1923; John A. Moran, junior assistant, at \$125.08 per month, to take effect August 4, 1923; Benjamin Nelson, draftsman, at \$150.08 per month, to take effect August 20, 1923; Rafael Pacheco, junior assistant, at \$125.08 per month, to take effect August 4, 1923; Stephen M. Poutier, draftsman, at \$150.08 per month, to take effect August 4, 1923; Jessie Schenkler, stenographer, at \$90.00 per month, to take effect July 24, 1923; Mortimer Schoener, draftsman, at \$150.08 per month, to take effect August 4, 1923; Nathan B. Sparer, draftsman, \$150.08 per month, to take effect August 4, 1923; Nathan Stern, junior assistant, at \$125.08 per month to take effect August 4, 1923; Adolph D. Sussman, draftsman, at \$150.08 per month, to take effect August 4, 1923; Samuel J. Thier, junior assistant, at \$125.08 per month, to take effect August 4, 1923; Irving Troemel, junior assistant, at \$125.08 per month, to take effect August 4, 1923; Samuel Weinberg, draftsman, at \$150.08 per month, to take effect August 4, 1923; Simon Weiner, draftsman, at \$150.08 per month, to take effect August 4, 1923; Morris L. Weissberg, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Joseph R. Weismantel, junior assistant, at \$125.08 per month, to take effect August 4, 1923; Walter Widstrand, junior assistant, at \$125.08 per month, to take effect August 4, 1923.

Appointments under Rule VIII:4—Ernest H. Cooper, engineering inspector, at \$150.08 per month, to take effect July 25, 1923. Charles E. Marlbor, inspector of steel, at \$175.00 per month, to take effect July 25, 1923.

Appointments under Rule VIII:9—Julio M. Conesa, architectural draftsman, at \$150.08 per month, to take effect August 10, 1923; James P. O'Shea, junior assistant, at \$125.08 per month, to take effect August 9, 1923; Benjamin Silverman, architectural draftsman, at \$150.08 per month, to take effect August 6, 1923; David Stone, architectural draftsman, at \$150.08 per month, to take effect August 24, 1923.

Appointment under Rule VIII:10—James Kaufman, junior clerk, at \$60.00 per month, to take effect July 24, 1923.

Resignations—John Cahill, transit inspector, at \$125.08 per month, to take effect July 26, 1923; Martin Goldman, junior assistant, at \$152.50 per month, to take effect July 28, 1923; Alfred G. Hewel, draftsman, at \$150.08 per month, to take effect July 31, 1923; Martin C. Hunt, engineering inspector, at \$150.08 per month, to take effect August 7, 1923; Aaron Kahn, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Yvonne M. Mercier, file clerk, at \$112.50 per month, to take effect July 23, 1923; Margaret F. Richters, stenographer, at \$125.00 per month, to take effect July 31, 1923.

Termination of Appointments under Rule VIII:4—Samuel Axelrod, junior assistant, at \$125.08 per month, to take effect August 3, 1923; George M. Biales, draftsman, at \$150.08 per month to take effect August 3, 1923; Simon Broder, junior assistant, at \$125.08 per month, to take effect August 3, 1923; William J. Broderick, junior assistant, at \$125.08 per month, to take effect August 3, 1923; Willard J. Carmel, draftsman, at \$150.08 per month, to take effect July 31, 1923; Julio M. Conesa, architectural draftsman, at \$150.08 per month, to take effect August 9, 1923; Jacob J. Delbourgo, junior assistant, at \$125.08 per month, to take effect August 3, 1923; William J. Foster, junior assistant, at \$125.08 per month, to take effect August 3, 1923; Harry Garfinkel, draftsman, at \$150.08 per month, to take effect August 3, 1923; Joseph Gladstein, draftsman, at \$150.08 per month, to take effect August 3, 1923; Peter F. McBride, draftsman, at \$150.08 per month, to take effect August 3, 1923; Aubrey L. McCaffrey, draftsman, at \$150.08 per month, to take effect August 1, 1923; Meyer Michalowitz, engineering inspector, at \$150.08 per month, to take effect August 16, 1923; John A. Moran, junior assistant, at \$125.08 per month, to take effect August 3, 1923; Benjamin Nelson, draftsman, at \$150.08 per month, to take effect August 3, 1923; William D. O'Driscoll, junior assistant, at \$125.08 per month, to take effect August 3, 1923; James P. O'Shea, junior assistant, at \$125.08 per month, to take effect August 8, 1923; Rafael Pacheco, junior assistant, at \$125.08 per month, to take effect August 3, 1923; Samuel A. Pickoff, draftsman, at \$150.08 per month, to take effect August 3, 1923; Stephen M. Poutier, draftsman, at \$150.08 per month, to take effect August 3, 1923; Mortimer Schoener, draftsman, at \$150.08 per month, to take effect August 3, 1923; Martiman G. Smolensky, draftsman, at \$150.08 per month, to take effect August 3, 1923; Benjamin Silverman, architectural draftsman, at \$150.08 per month, to take effect August 5, 1923; Nathan Stern, junior assistant, at \$125.08 per month, to take effect

August 3, 1923; David Stone, architectural draftsman, at \$150.08 per month, to take effect August 23, 1923; Adolph D. Sussman, draftsman, at \$150.08 per month, to take effect August 3, 1923; Samuel J. Thier, junior assistant, at \$125.08 per month, to take effect August 3, 1923; Irving Troemel, junior assistant, at \$125.08 per month, to take effect August 3, 1923; Joseph R. Weismantel, junior assistant, at \$125.08 per month, to take effect August 3, 1923; Walter Widstrand, junior assistant, at \$125.08 per month, to take effect August 3, 1923.

Termination of Appointments under Rule VIII:9—Nathan B. Sparer, draftsman, at \$150.08 per month, to take effect August 3, 1923; Samuel Weinberg, draftsman, at \$150.08 per month, to take effect August 3, 1923; Simon Weiner, draftsman, at \$150.08 per month, to take effect August 3, 1923.

Leave of Absence with Pay—Charles D. Thomas, assistant engineer, from July 10, 1923, to July 16, 1923.

1065

Voucher Schedule No. 31

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos. 766-787, open market orders, \$4,021.57; Vouchers Nos. 386-393, miscellaneous bills, \$3,191.89; Voucher No. 17, Special payroll, \$1,250.00.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines, for the Periods Indicated Below:

Voucher No. 193, Jacob Schlesinger, Inc., approximate estimate No. 12 for the construction of a second addition to shops at the Lenox Avenue Yard, under Contract No. 3, from June 16, 1923 to July 15, 1923 (R. T. 7368) \$10,306.44;

Voucher No. 194, Rosenthal Engineering Contracting Co., Inc., approximate estimate No. 5, for the construction of foundation for third addition to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from June 21, 1923 to July 20, 1923 (R. T. 7589) \$21,409.89;

Voucher No. 195, Station Finish Corporation, Assignee; approximate estimate No. 12, for the construction of station finish on Sections Nos. 3, 4 and 5 of Route No. 8, from July 1, 1923 to July 31, 1923 (R. T. 7516) \$14,194.66;

Voucher No. 196, Fox Reynolds Co., Inc., approximate estimate No. 3 for the completion of newsstand enclosures at stations of the Municipal Rapid Transit Railroads, under Contracts Nos. 3 and 4, from June 26, 1923 to July 25, 1923 (R. T. 7419) \$1,832.72.

1066

Hearing

The following hearing was held:

10.30 A. M., Case No. 2627; Hearing on Motion of the Commission upon the regulations, practices, equipment, appliances and service of the Interborough Rapid Transit Company. Chairman McAneny and Commissioners Harkness and O'Ryan presided. Adjourned to August 2, 1923 at 10.30 A. M.

—
JAMES B. WALKER,
Secretary

PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street,
Borough of Manhattan, City of New York.

Proceedings for Wednesday, August 1, 1923

1067

Hearing

The following hearing was adjourned:

Case No. 2695; Interborough Rapid Transit Company; Alteration and reconstruction of 33rd Street Station on Lexington-Fourth Avenue Subway Line from a local to an express station. Adjourned by direction of the Commission to August 15, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, August 2, 1923

1068

Hearings

The following hearings were held:

Case No. 2693; Hearing adjourned by direction of the Commission from 10:30 A. M. to 1:30 P. M.

10:30 A. M.; Case No. 2627; Hearing on Motion of the Commission upon the regulations, practices, equipment, appliances and service of the Interborough Rapid Transit Company. Chairman McAneny and Commissioners Harkness and O'Ryan presided. Adjourned to August 6, 1923, at 2:30 P. M.

1:30 P. M.; Case No. 2693; Union Railway Company of New York City; Investigation by Transit Commission of the suspension of service on Morris Park Avenue, from Bronxdale Avenue to Williamsbridge Road. George L. Lucas, Acting Chief Executive Officer, presided. Adjourned subject to call.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, August 6, 1923

1069

Hearing

The following hearing was held:

2:30 P. M.; Case No. 2627; Hearing on Motion of the Commission upon the regulations, practices, equipment, appliances and service of the Interborough Rapid

August 7, 1923]

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Transit Company. Chairman McAneny and Commissioners Harkness and O'Ryan presided. Adjourned to August 7, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, August 7, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1070—R. T. 7686

Agreement "CP"—Form of Contract, Specifications, Invitation to Contractors for Changes in Subway Structure to Provide for Crossover on Route No. 8, Section No. 5, Bushwick Avenue—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Form of Contract, Bond and Contractor's Proposal, together with the specifications and contract drawings for making changes in railroad structure to provide for crossover, Route No. 8, Section No. 5, Bushwick Avenue, Borough of Brooklyn (Agreement "CP").

Resolved, that Said Invitation to Contractors, Information for Contractors and Form of Contract, Bond and Contractor's Proposal, together with the specifications and contract drawings for making changes in railroad structure to provide for crossover, Route No. 8, Section No. 5, Bushwick Avenue, Borough of Brooklyn (Agreement "CP") be and hereby are approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication continuously from and including August 9, 1923, to and including August 23, 1923, and in the Brooklyn Citizen and the Standard Union on August 13, 1923, and August 20, 1923, daily newspapers published in The City of New York and that such bids as shall be received shall on the 23rd day of August, 1923, at eleven-thirty (11:30) o'clock a. m. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission and read.

1071—R. T. 6416

Routes Nos. 36 and 37—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval of Agreement with Interborough Rapid Transit Company for Rearrangement of Signals and Interlocking East of Queensboro Plaza Station for Joint Operation of Queens Lines—Approval Resolution—Requisition Upon Board of Estimate and Apportionment for Appropriation of \$23,500

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated August 1, 1923, recommending approval of a proposed form of agreement with the Interborough Rapid Transit Company providing for the rearrangement of certain signals and interlocking east of the Queensboro Plaza Station and that a request be made to the Board of Estimate and Apportionment for

the consent to the proposed agreement and an appropriation of \$23,500 to pay for the estimated cost of the work.

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption a proposed agreement between The City of New York acting by this Commission and Interborough Rapid Transit Company providing for the rearrangement of signals and interlocking on the Queensboro Subway Rapid Transit Railroad of the railroad described in Contract No. 3 east of the Queens Plaza Station in order to make possible the approved scheme of joint operation of said Queensboro Subway Rapid Transit Railroad.

Resolved, That said proposed agreement so submitted be and the same hereby is approved and adopted and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed agreement if and when consented to by the Board of Estimate and Apportionment and approved as to form by the Corporation Counsel.

Further Resolved, That said proposed agreement be transmitted to said Board of Estimate and Apportionment, together with a requisition in the form now submitted by Counsel for the consent of said Board and the appropriation of the money estimated to be necessary to meet the obligations of the City thereunder.

The requisition upon the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

August 7, 1923.

Gentlemen:

The Transit Commission transmits herewith for the consent of your Honorable Board pursuant to the authority vested in it by the provisions of Chapter 104 of the Laws of 1921 a proposed agreement between The City of New York acting by the Transit Commission and Interborough Rapid Transit Company for the rearrangement of signals and interlocking on the Queensboro Lines east of the Queens Plaza Station for the purpose of making possible the approved scheme of joint operation on said lines.

The Chief Engineer of this Commission in a communication dated August 1, 1923, has reported and recommended with respect to this matter as follows:

"Your approval is requested to the form of an agreement proposed to be entered into between the Commission, acting for The City of New York, and Interborough Rapid Transit Company to provide for the rearrangement of signals and interlocking on the Queens lines east of Queens Plaza Station, in order to make possible the approved scheme of joint operation of the Queens lines.

"The track changes incident to the joint operation on the Queens lines require numerous changes in the signaling and interlocking which the Interborough Company has already installed in this vicinity as Equipment under Contract No. 3. The tracks now in place are all in use for regular operation of the railroad and therefore it seems necessary from the engineering standpoint that changes in the interlocking and signaling system should be made by the operating company. The cost of the work is estimated at \$23,500 which figure is considered reasonable. A form of agreement which is believed to be satisfactory to the Interborough Co. has been prepared in collaboration with Counsel and copies of the same are transmitted herewith.

Recommendation—

"From an engineering standpoint, I recommend that under the provisions of Contract No. 3, the Commission adopt the attached form of contract between the City, acting by the Commission, and Interborough Rapid Transit Co. providing for the rearrangement of certain signals and interlocking on the Queens lines east of Queens Plaza Station and that the Commission request the Board of Estimate and Apportionment to consent to said proposed agreement and to appropriate the sum of \$23,500 to pay the cost of the work."

The proposed agreement is to be entered into pursuant to the provisions of the Rapid Transit Act as amended by Chapter 625 of the Laws of 1917 which authorize the Commission to enter into agreements without public letting where the estimated

cost of the work is less than \$25,000. The estimated cost of the work for the proposed agreement herewith transmitted is \$23,500.

Accordingly, your Honorable Board is hereby requested to consent to the making of the said proposed agreement herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed agreement, to wit, the sum of Twenty-three thousand Five Hundred Dollars (\$23,500) and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, the sum of Twenty-three thousand Five hundred Dollars (\$23,500).

Your Board is also requested to authorize pursuant to Section 45 of the Greater New York Charter the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a subrequisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company known as Contract 3 and the appropriations made by your Honorable Board in consequence thereof.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1072—R. T. 7600

Route No. 52, Section No. 1—Report by Chief Engineer Recommending Approval of Substitution of Timber Piles for Reinforced Concrete Piles Under Contract for Column Foundations—Report by Commissioner O'Ryan Recommending Approval—Approved

A report was presented from the Chief Engineer dated July 31, 1923, recommending approval of the substitution of timber piles for reinforced concrete piles under the contract with Gustin-Morris Contracting Corporation for column foundations on Section No. 1 of Route No. 52, Flushing Line.

A report was presented from Commissioner O'Ryan dated August 6, 1923, concurring in the report by the Chief Engineer and recommending that it be approved.

Upon motion, duly seconded and adopted, the recommendation and reports were approved.

1073—R. T. 7665

Routes Nos. 36 and 37, Section No. 1—Resolution Approving Sureties Upon Bond in Sum of \$20,000 Deposited by Contractor as Security for Installation of Switchback Track and Miscellaneous Work East of Queensboro Plaza Station—Adopted

The following resolution was adopted:

Resolved, That the American Surety Company of New York and the National Surety Company be and hereby are approved as sureties upon the bond in the sum of Twenty thousand (\$20,000) dollars, desposited by B. T. & J. J. Mack, Inc., as security for the faithful performance of the contract for installing switchback track and other miscellaneous track work east of the Queensboro Plaza station, each of said sureties being held and bound in the sum of Ten thousand (\$10,000) dollars.

1074

Contract No. 1—Application by Interborough Rapid Transit Company for Approval of Installation of Drainage Air Line between 96th Street and Broadway and 116th Street and Lenox Avenue—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated July 12, 1923, requesting approval to the installation of a 2-inch drainage air line between 96th Street and Broadway and 116th Street and Lenox Avenue at an estimated cost of \$8,700.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated July 27, 1923, stating that such connection is desirable from an engineering standpoint and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additions to Existing Equipment and assigning Work Order No. ICqA-8 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by communication dated July 12, 1923, from Frank Hedley, its President and General Manager, has submitted for the approval of this Commission, its proposal to install a 2-inch drainage airline equipped with valves every 250 feet between 96th Street and Broadway and 116th Street and Lenox Avenue, in the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads, described in said Contract No. 3, at an estimated cost of \$8,700; and

Whereas, the Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission, have by communication dated July 27, 1923, reported that such installation will complete an air loop between the east and west side subways; that such connection is considered desirable from the operating standpoint; that the estimated cost is reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated July 30, 1923, has recommended that such work be classified as Additions to Existing Equipment as defined in said Contract No. 3 and that Work Order No. ICqA-8 be assigned thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company be and the same hereby is approved, the cost of such work to be classified as Additions to Existing Equipment as defined in said Contract No. 3, and as to which this Commission assigns Work Order No. ICqA-8.

1075—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for Manufacture and Erection of Traveling Crane for Substation No. 27—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated July 18, 1923, requesting approval of a proposed contract with the Northern Engineering Works for the manufacture and erection of one thirty-ton electrically operated travelling crane for Substation No. 27 at a total cost of \$8,800.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated July 31, 1923, recommending that the application be approved,

which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has, by communication dated July 18, 1923, submitted for the approval of this Commission a proposed contract, together with the plans and specifications made part thereof, between the said Interborough Rapid Transit Company and Northern Engineering Works, for the manufacture and erection of one thirty-ton electrically operated travelling crane for Substation No. 27, in the Borough of Queens, as part of the Equipment of the Railroad as defined in said Contract No. 3, at a total cost of \$8,800; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 31, 1923, reported that the following bids were received for such work:

Northern Engineering Works	\$8,800
Manning, Maxwell and Moore	8,805
Morgan Engineering Co.	10,495
Alliance Machine Co.	12,135

; that the successful bidder has heretofore installed similar cranes satisfactorily for the Interborough Company's substations; that the type of crane is part of the standard equipment; that the capacity of the crane is adequate; that the cost thereof is reasonable; that the specifications are satisfactory from an engineering standpoint and recommend the approval of said proposed contract and the award thereof to said Northern Engineering Works; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated August 2, 1923, has recommended that such material be classified as Equipment of the Railroad, as defined in said Contract No. 3; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That said proposed contract so submitted, together with the specifications made part thereof, be and the same hereby is approved and that Interborough Rapid Transit Company be and hereby is authorized to execute said proposed contract with Northern Engineering Works in accordance with its bid submitted as aforesaid, the cost of such work to be classified as Equipment of the Railroad as defined in said Contract No. 3.

1076—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Cable for Miscellaneous Work—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated July 20, 1923, requesting approval of a proposed purchasing agent's order directed to the American Steel and Wire Company for cable for miscellaneous work at a total cost of \$4,408.50.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated July 31, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the material as Undistributed Materials and Supplies Account.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York

Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated July 20, 1923 submitted for the approval of this Commission a proposed purchasing agent's order dated July 19, 1923 directed to American Steel & Wire Co. for the following:

1,000 ft. 2,000,000 c.m. Class 'A' R.&B. Cable.....	\$1,851.40
1,000 ft. 2,000,000 c.m. Class 'B' R.&B. Cable.....	1,782.10
Complete shipment within 12 weeks.	
50,000 ft. No. 14 Class 'A' R.&B. Wire.....	13.80
5,000 ft. No. 12 Class 'A' R.&B. Wire.....	17.00
All per 1,000 feet net 1 per cent ten days	
F. O. B. 40th St. Sta. So. Bklyn. Ry.	
Complete shipment within 10 weeks.	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 363;" and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated July 31, 1923 reported the following bids were received for such material:

American Steel and Wire Co.....	\$4,408.50
Standard Underground Cable Co.....	4,738.85
Okonite Co.	5,432.00
Hazard Mfg. Co.....	5,432.00

that such cable will be used for miscellaneous work as occasion requires and will be placed in stock and drawn for the work as needed; and that it is necessary and the price therefor reasonable and the best obtainable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 2, 1923 has recommended that the cost of such material be classified as Contract No. 4 Undistributed Materials and Supplies Account,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said purchasing agent's order, such approval being given upon the understanding that such material will be classified as Contract No. 4 Undistributed Materials and Supplies Account.

1077—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Feeder Cables to Connect with Interborough Rapid Transit Company's Sub-station No. 13 at 53rd Street and Seventh Avenue, Borough of Manhattan—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated July 24, 1923, requesting approval of a proposed purchasing agent's order directed to Standard Underground Cable Company for the installation of feeder cables connecting Interborough Rapid Transit Company's Sub-station No. 13 with the Broadway-Fourth Avenue Subway at 53rd Street and Seventh Avenue, Borough of Manhattan, at an estimated cost of \$6,000.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated August 1, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the material as Additional Equipment for the Railroad under Work Order No. MBA-22.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4 and pursuant also to the provisions of the Certificate dated March 19, 1913 granted to said New York Municipal Railway Corporation for certain elevated extensions known as the Extension Certificate this Commission by resolution adopted on May 15, 1923 as modified by resolution adopted by this Commission on June 13, 1923 approved, among other things, of the installation of four 2,000,000 c.m. feeder cables from Interborough Rapid Transit Substation No. 13 to the Broadway-Fourth Avenue Subway at 53rd Street and Seventh Avenue classifying such work as Additional Equipment for the Railroad as described in said Contract No. 4 and assigned to such unit Work Order No. MBA-22; and

Whereas, By communication, dated July 24, 1923 New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4 and pursuant to the authority contained in said resolution of May 15, 1923 as modified by resolution adopted on June 13, 1923 aforesaid, has submitted for the approval of this Commission proposed purchasing agent's order dated July 24, 1923 directed to Standard Underground Cable Company for the following:

Item	Standard Underground Cable Company	National Conduit and Cable Co.	Safety Insulated Wire & Cable Co.
Price per foot.....	\$2.194	\$2.25	No bid.
Asbestos listing per foot.	.85	.85	
*Extra joints each.....	16.50	11.00	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 365"; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated August 1, 1923, reported that the aforesaid bids were received for such material; that such work is as authorized by said resolution of May 15, 1923; that the specifications and plans attached to said proposed purchasing agent's order are satisfactory from an engineering standpoint; that the prices are reasonable and the best obtainable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 6, 1923 has recommended the classification of such material as Additional Equipment for the Railroad pursuant to Work Order No. MBA-22 heretofore assigned as aforesaid.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order, together with the plans and specifications made part thereof be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified in accordance with Work Order No. MBA-22 heretofore assigned as aforesaid.

1078—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Rotary Converter and Accessories for Avenue "T" Substation—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated July 24, 1923, requesting approval of a proposed purchasing agent's order directed to Westinghouse Electric and Mfg. Co., for one 4000 K.W. rotary converter and accessories for Avenue "T" Substation at a total cost of \$50,460.

(*) It is not contemplated that any extra joints will be necessary and no allowance for same has been made in the total amounts of the bids.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated August 1, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the material as Additional Equipment for the Railroad under Work Order No. MBA-23.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4 and pursuant also to the provisions of the certificate dated March 19, 1913 granted to said New York Municipal Railway Corporation for certain elevated extensions known as the Extension Certificate this Commission by resolution adopted on May 15, 1923 as modified by resolution adopted by this Commission on June 13, 1923 approved, among other things, of the location of a new substation for the Railroad at Avenue "T" adjacent to the Sea Beach Line, the acquisition of the necessary real estate and the construction of the said substation complete with all equipment and necessary duct and feeder connections to the West End Line and the Culver Line of the Railroad and the Sea Beach Line of the Existing Railroads as described in said Contract No. 4 and assigned to such unit Work Order No. MBA-23; and

Whereas, By communication dated July 24, 1923 New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4 and pursuant to the authority contained in said resolution of May 15, 1923 as modified by resolution adopted on June 13, 1923 aforesaid, has submitted for the approval of this Commission a proposed purchasing agent's order dated July 24, 1923 directed to the Westinghouse Electric and Mfg. Co. for the following:

1 4000 K.W. 575 Volt, D.C. 6-phase, 25 cycle, commutating pole, shunt wound, Rotary Converter.	
1 4000 K.V.A. 3-phase, 25 cycle, A.B. Transformer.	
1 10,000 Amp. 650 Volt, D.C. Rotary Converter Control Panel.	
1 1500-5000 Amp. 440 Volt A.C. Starting Panel.	
1 10,000 Amp. 600 Volt D.C. Pedestal Switch.	
All for the sum of.....	\$50,460.00

F.O.B. Brooklyn,

which proposed purchasing agent's order has been caused to be designated as "Approval No. 364"; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated August 1, 1923 reported that no bids were taken as the price is to be the same as the price of the rotary converter in the Hudson substation for which said company was low bidder; that the specifications covering the same have already been approved and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 6, 1923 has recommended the classification of such material as Additional Equipment for the Railroad pursuant to Work Order No. MBA-23 heretofore assigned,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order, together with the specification made part thereof be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such material to be classified in accordance with Work Order No. MBA-23 heretofore assigned as aforesaid.

1079—R. T. 6449-6474

Route No. 5, Section No. 2A—Application by New York Rapid Transit Corporation for Approval of Agreement for Sale of Property at Northeast Corner of Canal Street and Broadway—Report by Real Estate Clerk Recommending Approval—Approval Resolution Directing Counsel to Provide for Conveyance of Easements to City

An application was presented from the New York Rapid Transit Corporation dated July 31, 1923, requesting approval of a proposed agreement with D. & D. Land

& Improvement Corporation, providing for the sale of the property at the northeast corner of Canal Street and Broadway, subject to the necessary easements for the maintenance of the Broadway-Fourth Avenue Rapid Transit Railroad, for the sum of \$325,000 cash.

A report was presented from the Real Estate Clerk dated August 2, 1923, stating that the purchase price is satisfactory and recommending that the application be approved.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, and particularly Article XI thereof, an agreement dated August 1, 1913 between The City of New York and said New York Municipal Railway Corporation was entered into, wherein it is provided that said New York Municipal Railway Corporation shall purchase and acquire a certain piece or parcel of land, together with the buildings and improvements thereon, situated at the northeast corner of Canal Street and Broadway, in the Borough of Manhattan, City, County and State of New York, for the purpose of providing for the physical connection between Subdivisions I & II of the Broadway-Fourth Avenue Line at Canal Street and Broadway, in the Borough of Manhattan, as more particularly described and provided for in said Contract No. 4 and said agreement aforesaid; and

Whereas, It is further provided in Article Fourth of said agreement of August 1, 1913, that after the completion of such physical connection the said New York Municipal Railway Corporation, as Lessee under said contract, shall convey to The City of New York, upon demand of the "Commission," such perpetual rights and easements in said property as the Commission may deem necessary or proper for the maintenance and operation of such physical connection and the rapid transit railroad therein; and

Whereas, New York and Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has, pursuant to said Contract No. 4 and said agreement of August 1, 1913, by communication dated July 31, 1923 from J. H. Bennington, its Real Estate and Tax Agent, submitted for the approval of this Commission a proposed agreement dated July 1, 1923 between said New York Rapid Transit Corporation and D. & D. Land & Improvement Corporation, providing for the sale of said property subject to the necessary right and easement for the maintenance and operation of said rapid transit railroad, for the sum of \$325,000; and

Whereas, The Real Estate Clerk of this Commission, by communication dated August 2, 1923, has recommended that said contract be approved; and

Whereas, Counsel has examined said contract and the proposed deed for the conveyance of the easement to the City in said property and finds no objection thereto,

Resolved, That the contract so submitted, for the sale of said property as aforesaid, be and the same hereby is approved.

Further Resolved, That Counsel to this Commission be and hereby is authorized and directed to take such steps as may be necessary to effect the conveyance of the necessary rights and easements in said property to The City of New York in accordance with the provisions of said Contract No. 4 and said agreement of August 1, 1923.

1080—R. T. 7354

Contract No. 3—Stipulation With Interborough Rapid Transit Company Extending Time Within Which to Agree Upon Amount and Classification of Depreciation for Year Ended June 30, 1923—Approved

The Commission approved a stipulation dated July 30, 1923, with the Interborough Rapid Transit Company, extending the time to and including thirty days after receipt of written notice by either party that it requires an agreement to be entered into as to the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1923, as provided in Subdivision 5 of Article XLIX of Chapter II of Contract No. 3.

1081—R. T. 7235

Elevated Extension Certificate—Stipulation With Interborough Rapid Transit Company Extending Time Within Which to Agree Upon Amount and Classification of Depreciation for Year Ended June 30, 1923—Approved

The Commission approved a stipulation dated July 30, 1923, with the Interborough Rapid Transit Company, extending the time to and including thirty days after receipt of written notice by either party that it requires an agreement to be entered into as to the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1923, as provided in Subdivision 5 of Article XII of the Extension Certificate.

1082—R. T. 6506

Contract No. 4 and Related Certificates—Stipulation With New York Rapid Transit Corporation Extending Time to 30 Days from July 30, 1923 Within Which to Agree Upon Amount and Classification of Depreciation and Excess Maintenance for Year Ended June 30, 1923—Approved

The Commission approved the stipulation dated July 27, 1923, with the New York Rapid Transit Corporation extending the time to and including 30 days after July 30, 1923, within which to agree upon the amount and classification of depreciation and excess maintenance for the fiscal year ended June 30, 1923, as provided in Subdivision 5 of Article XLIX of Contract No. 4 and in Subdivision 5 of Article X of the Extension Certificate and in Subdivision 5 of Article X of Additional Track Certificate.

1083—R. T. 6553

Contract No. 4—Stipulation With New York Rapid Transit Corporation Agreeing as to Rendition of Thirty-seventh to Fortieth Quarterly Determinations of Costs and as to the Filing of Objections to Thirty-eighth to Forty-first Quarterly Determinations of Costs—Approved

The Commission approved a stipulation with the New York Rapid Transit Corporation dated July 25, 1923, agreeing that the Chief Engineer of the Transit Commission may render his Thirty-seventh Quarterly Determination of Cost in advance of his re-determinations of the Twentieth to the Thirty-sixth Quarterly Determinations and also agreeing that the Chief Engineer may render his Thirty-eighth, Thirty-ninth and Fortieth Quarterly Determinations at the time the Forty-first Quarterly Determination is rendered and that the Commission and the Company shall have thirty days after the time of the service of the Forty-first Quarterly Determination within which to file objections to all or any of the items in the Thirty-eighth to the Forty-first Quarterly Determinations, inclusive.

1084—R. T. 6506

Contract No. 4—Report by Depreciation Fund Board for Year Ended June 30, 1923—Referred to Chief Accountant

A report was presented from James B. Walker, Secretary to the Depreciation Fund Board, Contract No. 4 and related certificates showing the condition and amount of the depreciation funds for the fiscal year ended June 30, 1923, to be \$1,552,225.17.

The report was referred to the Chief Accountant.

1085—R. T. 2008**Contract No. 1—Resolution Cancelling Voucher No. 45 in Favor of Rapid Transit Subway Construction Company in the Sum of \$270,139 as Third Installment of Saratoga Award—Adopted**

The following resolution was adopted:

Resolved, That the contract voucher No. 45 in favor of Rapid Transit Subway Construction Co. for the sum of \$270,139 as a third installment of the Saratoga award chargeable to Code CCM 100-S be and the same hereby is in all respects annulled and cancelled and that the Auditor of this Commission be and hereby is authorized and directed to take the necessary action to effect the purpose of this resolution.

1086—Case 1379**Brooklyn Heights Railroad Company et Al.—Monthly Reports—Extension Order Adopted**

The Secretary presented a communication, dated July 31, 1923, from M. B. Hoffman, asking for an extension of time to October 1, 1923, within which to file monthly reports for June, 1923, as required by the Commission's Order in Case No. 1379, on behalf of The Brooklyn Heights Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, Coney Island and Brooklyn Railroad Company, and Lindley M. Garrison, as Receiver of the Nassau Electric Railroad Company, New York Rapid Transit Corporation, Coney Island and Gravesend Railway Company and South Brooklyn Railway Company.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1379, granting an extension of time to the above mentioned companies and receivers to August 24, 1923, within which to file monthly reports for June, 1923.

1087—Case 1399**Brooklyn Heights Railroad Company et Al.—Quarterly Reports—Extension Order Adopted**

The Secretary presented a communication, dated July 31, 1923, from M. B. Hoffman, asking for an extension of time to October 1, 1923, within which to file quarterly reports for the quarter ended June 30, 1923, as required by the Commission's Order in Case No. 1399, on behalf of The Brooklyn Heights Railroad Company, Brooklyn, Queens County and Suburban Railroad Company, Coney Island and Brooklyn Railroad Company, and Lindley M. Garrison, as Receiver of the Nassau Electric Railroad Company, New York Rapid Transit Corporation, Coney Island and Gravesend Railway Company and South Brooklyn Railway Company.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1399, granting an extension of time to the above mentioned companies and receivers to August 24, 1923, within which to file quarterly reports for the quarter ended June 30, 1923.

1088—Case 1399**Interborough Rapid Transit Company—Quarterly Reports—Extension Order Adopted**

The Secretary presented a communication, dated August 2, 1923, from E. F. J. Gaynor, Auditor of the Interborough Rapid Transit Company, requesting an extension

of time of thirty (30) days from August 11, 1923, within which to file quarterly report as required by the Commission's Order in Case No. 1399.

The Secretary also presented a report, dated August 6, 1923, from John E. Cooper, Chief, Bureau of Accounting & Valuations, recommending granting of the application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1399, granting the desired extension of time to September 10, 1923.

1089—Case 2631

Brooklyn City Railroad Company—Application of The City of New York for Relocation of Tracks in Fresh Pond Road Between Woodbine Street and Mount Olivet Avenue, in the Borough of Queens—Order Abrogating Order Of October 20, 1922, Directing Relocation of Tracks and Apportionment of Expense Adopted

The Commission again took under consideration the Resolution adopted by the Board of Estimate and Apportionment on June 29, 1923, relative to the proposed relocation of the tracks of the Brooklyn City Railroad Company, in Fresh Pond Road between Woodbine Street and Mount Olivet Avenue, in the Borough of Queens, and the apportionment of the expense thereof.

The Secretary presented a report, dated July 31, 1923, by George H. Stover, Assistant Counsel to the Commission, approved by George O. Redington, Counsel to the Commission, with respect to the matter and recommending the abrogation of the Order in Case No. 2631, adopted October 20, 1922, and requiring the company to proceed with the relocation of the tracks upon the payment by The City of New York of one-half the cost thereof.

The Secretary also presented a report, dated August 3, 1923, by Carleton S. Cooke, Assistant Counsel, advising that since Mr. Stover's report to the Commission was written, a conference was arranged with the attorney for the Brooklyn City Railroad Company who made no objection finally to the proposed order requiring the work to be done by the Company and the City to pay therefor one-half the cost thereof and further requiring the Board of Estimate to adopt a Resolution accepting the terms of the Order.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2631, in the following form:

Present:

GEORGE McANENY, Chairman, LEROY T. HARKNESS,	}	COMMISSIONERS.
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IN THE MATTER
of the

Application of the Board of Estimate and Apportionment of the City of New York for an order directing The Brooklyn City Railroad Company to change the location of its tracks in Fresh Pond Road between Woodbine Street and Mount Olivet Avenue, in the Borough of Queens.

CASE No. 2631

Order Abrogating Order of October 20, 1922, and directing Relocation of Tracks and Apportionment of Expense.

The Board of Estimate and Apportionment of the City of New York, having, by resolution dated March 10, 1922, made application to the Commission, pursuant to Chap-

ter 699 of the Laws of 1921, for an order directing The Brooklyn City Railroad Company to change the location of its tracks in Fresh Pond Road between Woodbine Street and Mount Olivet Avenue in the Borough of Queens, and to determine the manner in which the cost and expense of such relocation should be imposed and borne; and the Commission having directed that a hearing on said application be held by Lincoln C. Andrews, Chief Executive Officer, and said hearing having been duly held and the report of the Chief Executive officer thereon having been approved by the Commission, and an order having been adopted by the Commission on May 11, 1922, directing The Brooklyn City Railroad Company to change the location of its railroad tracks in said road and estimating the expense of relocating said tracks and allocating the expense thereof; and the said Board of Estimate and Apportionment having, by resolution dated July 19, 1922, made application to the Commission for a rehearing of the matter; and the Commission having directed that a rehearing be held before Lincoln C. Andrews, Chief Executive Officer and said rehearing having been duly held and the report of the Chief Executive Officer thereon having been approved by the Commission; and the Commission having, on October 20, 1922, adopted an order which abrogated the order of May 11, 1922, fixed the cost of relocating said tracks at the sum of \$24,000 and directed that said cost of relocating the tracks be borne equally between The Brooklyn City Railroad Company and The City of New York and that upon the payment of \$12,000 by The City of New York to The Brooklyn City Railroad Company the said Brooklyn City Railroad Company should forthwith proceed with the relocation of said tracks; and the said Board of Estimate and Apportionment having, by resolution dated June 29, 1923, and by letter of its Secretary, dated July 10, 1923, notified the Commission that The City of New York will accept an order, providing that the City be not required to pay 50 per cent. of the cost in advance of the work, that the relocation of the tracks be paid for by the railroad company and that after the work has been completed there will be an accounting as between the railroad company and the City and that pending the accounting the City will agree to pay one-half of the amount deemed necessary, said one-half not to exceed \$12,000; and the Commission being of the opinion that said order of October 20, 1922, should be changed as and upon the conditions hereinafter set forth, it is

Ordered:

(1) That the order of the Commission herein, dated October 20, 1922, be and the same hereby is rescinded and abrogated.

(2) That The Brooklyn City Railroad Company be and it hereby is directed to change the location of its tracks in Fresh Pond Road between Woodbine Street and Mount Olivet Avenue, in the Borough of Queens, from their present location to the center of said Fresh Pond Road, and, upon the commencement of the paving of said Fresh Pond Road upon the part thereof last mentioned by the City of New York, to proceed forthwith with all diligence and expedition to carry out the said relocation of its said railroad tracks.

(3) That the cost and expense of the relocation of said railroad tracks estimated at the sum of \$24,000 shall be advanced and paid in the first instance by The Brooklyn City Railroad Company but, when actually fixed and determined on the accounting to be held before the Commission, shall be imposed and borne by The Brooklyn City Railroad Company and The City of New York in the proportion of 50 per cent. to each, provided that in no event shall the sum payable by The City of New York be in excess of \$12,000.

(4) That upon the completion of the work of relocating the said railroad tracks The Brooklyn City Railroad Company shall, at an accounting held before the Commission as between it and The City of New York, submit evidence and vouchers showing the amounts actually and necessarily expended by said company for the relocation of said tracks.

(5) That this order shall take effect upon the adoption of a resolution by the Board of Estimate and Apportionment of the City of New York, accepting the terms of this order and agreeing that The City of New York will pay to The Brooklyn City Railroad Company one-half of the sum fixed and determined by the Commission on the accounting as the amount actually and necessarily expended for the relocation of said tracks, said one-half not to exceed \$12,000.

(6) That a certified copy of this order shall be served upon The Brooklyn City Railroad Company and The City of New York in the manner prescribed by law, and that within ten (10) days after the receipt of the same The Brooklyn City Railroad

Company shall notify the Commission in writing whether the terms hereof are accepted and will be obeyed.

BY THE COMMISSION,
FRANK N. ROBINSON,
Acting Secretary.

1090—Case 2694

Third Avenue Railway System—Promulgation of Rules to Employees in Case of Accident—Extension Order Adopted

The Secretary presented fifteen (15) communications, dated August 1, 1923, from the companies comprising the Third Avenue Railway System, requesting an extension of time within which to notify the Commission whether the Order in Case No. 2694, adopted July 17, 1923, requiring the promulgation of rules by railroad and street railroad corporations to employees in case of accident, was accepted and would be obeyed.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2694, granting the desired extension of time of ten (10) days to August 17, 1923.

1091

Brooklyn City Railroad Company, South Brooklyn Railway Company and Nassau Electric Railroad Company—Operation of Sixteenth Avenue Line—Resolution Directing Counsel to Commence Mandamus Proceedings Approved

The Commission approved and ordered filed a Resolution in the following form:

Whereas, The Legislature of the State of New York by Chapter 698 of the Laws of 1923, which became a law on May 24, 1923, with the approval of the Governor, provided and required that the Brooklyn City Railroad Company, the receiver thereof or such other person as may have control of the operation of the street railway line commonly known as the Sixteenth Avenue Line, in the Borough of Brooklyn, New York, should, within thirty days after the time said act took effect, restore and extend the full service formerly maintained on such line, from the Borough Hall to Sixtieth Street in the Borough of Brooklyn; and

Whereas, Section 57 of the Public Service Commission Law provides that whenever this Commission shall be of opinion that a common carrier, railroad corporation or street railroad corporation subject to the supervision of this Commission is failing or omitting or about to fail or omit to do anything required of it by law or by order of this Commission, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order of this Commission, this Commission shall direct Counsel to this Commission to commence an action or proceeding in the Supreme Court of the State of New York in the name of this Commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunction; and

Whereas, More than thirty days have elapsed since said Chapter 698 of the Laws of 1923 took effect and became a law but the provisions of said Chapter 698 have not been complied with within such thirty day period nor thereafter and this Commission is of opinion that the Brooklyn City Railroad Company, the receiver thereof or such other person as may have control of the operation of said Sixteenth Avenue Line has, or have, failed or omitted, and is, or are, failing or omitting to restore and extend said service as required by law;

Resolved, That this Commission do, and hereby does, direct the Counsel to this Commission to commence an action or proceeding in the Supreme Court of the State of New York in the name of this Commission and against the Brooklyn City Railroad Company, the receiver thereof or such other person as may have control of the operation of said Sixteenth Avenue Line for the purpose of having such violation of law stopped and prevented either by mandamus or injunction.

1092

The Nassau Electric Railroad Company, Brooklyn City Railroad Company and Lindley M. Garrison, Receiver of Coney Island and Brooklyn Railroad Company—Operation of Park Slope Line—Resolution Directing Counsel to Commence Mandamus Proceedings Approved

The Commission approved and ordered filed a resolution in the following form:

Whereas, The Legislature of the State of New York by Chapter 704 of the Laws of 1923, which became a law on May 24, 1923, with the approval of the Governor, provided and required that the Coney Island and Brooklyn Railroad Company, the Brooklyn City Railroad Company and the Nassau Electric Railroad Company, or such other person as may have control of the operation of the street railway line commonly known as the Park Slope Line, in the Borough of Brooklyn, New York, should, within thirty days after the time said act took effect, restore the full service formerly maintained on such line, from the Borough Hall to Cortelyou Road in the Borough of Brooklyn; and

Whereas, Section 57 of the Public Service Commission Law provides that whenever this Commission shall be of opinion that a common carrier, railroad corporation or street railroad corporation subject to the supervision of this Commission is failing or omitting or about to fail or omit to do anything required of it by law or by order of this Commission, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order of this Commission, this Commission shall direct Counsel to this Commission to commence an action or proceeding in the Supreme Court of the State of New York in the name of this Commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunction; and

Whereas, More than thirty days have elapsed since said Chapter 704 of the Laws of 1923 took effect and became a law but the provisions of said Chapter 704 have not been complied with within such thirty day period nor thereafter and this Commission is of opinion that the Coney Island and Brooklyn Railroad Company, the Brooklyn City Railroad Company and the Nassau Electric Railroad Company, or such other person as may have control of the operation of said Park Slope Line has, or have, failed or omitted, and is, or are, failing or omitting, to restore said service as required by law;

Resolved, That this Commission do, and hereby does, direct the Counsel to this Commission to commence an action or proceeding in the Supreme Court of the State of New York in the name of this Commission and against the Coney Island and Brooklyn Railroad Company, the Brooklyn City Railroad Company and the Nassau Electric Railroad Company, or such other person as may have control of the operation of said Park Slope Line for the purpose of having such violation of law stopped and prevented either by mandamus or injunction.

1093

The Nassau Electric Railroad Company, Brooklyn City Railroad Company and South Brooklyn Railway Company—Operation of 39th Street Ferry Line—Resolution Directing Counsel to Commence Mandamus Proceedings Approved

The Commission approved and ordered filed a resolution in the following form:

Whereas, The Legislature of the State of New York by Chapter 751 of the Laws of 1923, which became a law on May 24, 1923 with the approval of the Governor, provided and required that the person, firm or corporation owning, operating or leasing the street railway line commonly known as the Thirty-ninth Street Ferry - Coney Island Line, in the Borough of Brooklyn, New York, should, within thirty days after the time said act took effect, restore the full service formerly maintained on such line, from the Brooklyn side of the Thirty-ninth Street Ferry to Coney Island in the Borough of Brooklyn, and provided and required that the fare to the public on such line for one continuous trip from one terminal thereof to the other should not exceed the sum of five cents; and

Whereas, Section 57 of the Public Service Commission Law provides that whenever this Commission shall be of opinion that a common carrier, railroad corporation

or street railroad corporation subject to the supervision of this Commission is failing or omitting or about to fail or omit to do anything required of it by law or by order of this Commission, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order of this Commission, this Commission shall direct Counsel to this Commission to commence an action or proceeding in the Supreme Court of the State of New York in the name of this Commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunction; and

Whereas, More than thirty days have elapsed since said Chapter 751 of the Laws of 1923 took effect and became a law but the provisions of said Chapter 751 have not been complied with within such thirty day period nor thereafter and this Commission is of opinion that the person, firm or corporation owning, operating or leasing said Thirty-ninth Street Ferry - Coney Island Line has, or have, failed or omitted, and is, or are, failing or omitting, to restore said service as required by law and for a fare not exceeding five cents as required by law;

Resolved, That this Commission do, and hereby does, direct the Counsel to this Commission to commence an action or proceeding in the Supreme Court of the State of New York in the name of this Commission and against the person, firm or corporation owning, operating or leasing said Thirty-ninth Street Ferry - Coney Island Line for the purpose of having such violation of law stopped and prevented either by mandamus or injunction.

1094

Brooklyn City Railroad Company, South Brooklyn Railway Company and the Nassau Electric Railroad Company—Operation of Tompkins-Culver Line—Resolution Directing Counsel to Commence Mandamus Proceedings Approved

The Commission adopted and ordered filed a resolution in the following form:

Whereas, The Legislature of the State of New York by Chapter 886 of the Laws of 1923, which became a law on June 1, 1923 with the approval of the Governor, provided and required that the Brooklyn Heights Railroad Company, the receiver thereof or such other person as may have control of the operation of the street railway line commonly known as the Tompkins-Culver Line, in the Borough of Brooklyn, City of New York, should, within thirty days after the time said act took effect, restore and extend the full service formerly maintained on such line, from Manhattan Avenue and Box Street, Greenpoint, Borough of Brooklyn, to Coney Island in such borough and city for a fare not exceeding five cents; and

Whereas, Section 57 of the Public Service Commission Law provides that whenever this Commission shall be of opinion that a common carrier, railroad corporation or street railroad corporation subject to the supervision of this Commission is failing or omitting or about to fail or omit to do anything required of it by law or by order of this Commission, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order of this Commission, this Commission shall direct Counsel to this Commission to commence an action or proceeding in the Supreme Court of the State of New York in the name of this Commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunction; and

Whereas, More than thirty days have elapsed since said Chapter 886 of the Laws of 1923 took effect and became a law but the provisions of said Chapter 886 have not been complied with within such thirty day period nor thereafter and this Commission is of opinion that the Brooklyn Heights Railroad Company, the receiver thereof or such other person as may have control of the operation of said Tompkins - Culver Line has, or have, failed or omitted, and is, or are, failing or omitting, to restore and extend said service as required by law and for a fare not exceeding five cents as required by law;

Resolved, That this Commission do, and hereby does, direct the Counsel to this Commission to commence an action or proceeding in the Supreme Court of the State of New York in the name of this Commission and against the Brooklyn Heights Railroad Company, the receiver thereof or such other person as may have control of the operation of said Tompkins - Culver Line for the purpose of having such violation of law stopped and prevented either by mandamus or injunction.

1095—R. T. 2008

Contract No. 1—Notice from Department of Finance Advising of Transfer of Sum of \$217,000 of Saratoga Award to Different Code—Filed

The following notice from the Department of Finance was ordered filed:

August 4, 1923.

TRANSIT COMMISSION,
New York City.

Gentlemen: You are hereby advised that there has been transferred today from Code CCM 100—"Construction" the sum of \$217,000.00 to Code CCM 100-S—"Authorization pursuant to Saratoga Award for extra work and claims."

Yours truly,
HENRY SMITH,
Deputy Comptroller.

1096—R. T. 7591

Route No. 70-A—Communication from Board of Estimate and Apportionment Advising of Action in Failing to Approve Route and General Plan for Jackson Avenue, Newtown Creek and Manhattan Avenue Route—Filed

The following communication from the Board of Estimate and Apportionment was ordered filed:

August 3, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen: At the meeting of the Board of Estimate and Apportionment held this day, the resolution approving the plans and conclusions and consenting to the construction of a rapid transit railway in the Boroughs of Brooklyn and Queens, known as Jackson Avenue, Newton Creek and Manhattan Avenue Route, as transmitted to this Board for its approval and consent, as required by law, with a communication dated May 15, 1923, from your Commission, failed of adoption.

Respectfully,
PETER J. MCGOWAN,
Secretary.

1097—R. T. 7591

Route 70-A-1—Communication from Board of Estimate and Apportionment Fixing Date for Hearing on Route and General Plan for North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route—Filed

The following communication from the Board of Estimate and Apportionment was ordered filed:

August 3, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen: I transmit herewith certified copy of resolution this day adopted by the Board of Estimate and Apportionment, fixing August 10, 1923, as the date for consideration of the communication, dated July 31, 1923, from your Commission, transmitting resolutions adopting route and general plan of construction for a proposed rapid transit railway in the Boroughs of Queens and Brooklyn, known as North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route and requesting the approval and consent of this Board thereto.

After fixing August 10, 1923, as the date for consideration, the Board referred the matter to the Transit Conference Committee.

Very truly yours,
PETER J. MCGOWAN,
Secretary.

The resolution referred to above was as follows:

Resolved, That the communication be received and, in pursuance of law, this Board hereby fixes Friday, August 10, 1923, at 10:30 o'clock A. M., and Room 16, City Hall, Borough of Manhattan, as the time and place when and where such plans and conclusions will be considered; and be it further

Resolved, That the Secretary of this Board be and he is hereby directed to publish notice of such consideration in the City Record.

1098—R. T. 6989

Route No. 18, Section No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Agreement With Interborough Rapid Transit Company for Installation of Additional Tracks and Miscellaneous Work in 180th Street Yard—Communication from Acting Corporation Counsel Returning Agreement Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on July 13, 1923, was ordered filed.

(Cal. No. 415)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated July 10, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed agreement with the Interborough Rapid Transit Company for the installation of tracks and other miscellaneous work in the 180th street yard of the White Plains Road Line of the railroad, described in the contract known as Contract No. 3, at an estimated cost of twenty-four thousand and five hundred dollars (\$24,500), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty-four thousand five hundred dollars (\$24,500); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding twenty-four thousand five hundred dollars (\$24,500), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said agreement, said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, July 13, 1923.

JAMES MATTHEWS,
Assistant Secretary.

- A communication was also ordered filed from Arthur J. W. Hilly, Acting Corporation Counsel, dated July 25, 1923, returning the above-mentioned agreement approved as to form.

1099—R. T. 7665

Routes Nos. 36 and 37, Section No. 1—Statement as to Execution and Delivery of Original Contract for Installation of Switchback Track and Miscellaneous Work East of Queensboro Plaza Station—Contract Filed

The Commission ordered filed the original contract dated August 2, 1923, between The City of New York, acting by the Transit Commission and B. T. & J. J. Mack, Inc., for installing a switchback track and miscellaneous track work, east of the Queensboro Plaza station, which contract had been executed on behalf of both parties and delivered on August 3, 1923.

1100—R. T. 7647

Routes Nos. 4 and 38, Section No. 5—Statement as to Execution and Delivery of Original Agreement with Interborough Rapid Transit Company for Alterations in Subway Structure at Northeast Corner of Seventh Avenue and West 30th Street, in the Borough of Manhattan—Agreement Filed

The Commission ordered filed an original agreement dated May 31, 1923, between The City of New York, acting by the Transit Commission and the Interborough Rapid

Transit Company for making necessary alterations to the subway structure of the Seventh Avenue-Lexington Avenue Line at the northeast corner of Seventh Avenue and West 30th Street, Borough of Manhattan, made necessary by the rearrangement of the curb lines at that point, which agreement was executed on behalf of both parties and delivered on August 3, 1923.

1101—R. T. 7570

Route No. 5, Section No. 15—Statement as to Execution and Delivery of Original Agreement With Interborough Rapid Transit Company for Changes in Lavatories at 138th Street and Third Avenue and 149th Street and Mott Avenue Stations—Agreement Filed

The Commission ordered filed an original agreement dated April 12, 1923, between the City of New York, acting by the Transit Commission, and the Interborough Rapid Transit Company providing for certain changes in the lavatories at the 138th Street and Third Avenue and 149th Street and Mott Avenue Stations of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line, which agreement was duly executed on behalf of both parties and delivered on August 3, 1923.

1102—R. T. 6594

Route No. 48, Section No. 2—Statement as to Execution and Delivery of Original Agreement With Interborough Rapid Transit Company for Additional Station Facilities at Wall Street Station—Agreement Filed

The Commission ordered filed an original agreement dated April 18, 1923, between the City of New York, acting by the Transit Commission, and Interborough Rapid Transit Company providing for the construction of a new mezzanine, platform guard railings and rearrangement of stairways at the Wall Street Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line, which agreement was executed on behalf of both parties and delivered on August 3, 1923.

1103—R. T. 7617

Route No. 16, Section No. 1—Statement as to Execution and Delivery of Original Agreement for Additional Facilities at 161st Street Station—Agreement Filed

The Commission ordered filed an original agreement dated May 18, 1923, between the City of New York, acting by the Transit Commission, Interborough Rapid Transit Company and American League Baseball Club of New York, Inc. for additional station facilities at the 161st Street Station and the Jerome Avenue Line, which agreement was executed on behalf of all parties and delivered on August 6, 1923.

1104—R. T. 7571

Route No. 48, Section No. 1—Statement as to Execution and Delivery of Original Agreement With Interborough Rapid Transit Company for Constructing Ventilating Manhole in Mail Street—Agreement Filed

The Commission ordered filed an original agreement dated July 10, 1923, between the City of New York, acting by the Transit Commission, and Interborough Rapid

Transit Company providing for the construction of the ventilating manhole in the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line passing under and along Mail Street, Borough of Manhattan, which agreement was executed on behalf of both parties and delivered on August 6, 1923.

1105—R. T. 7658

Contract No. 1—Statement as to Execution and Delivery of Original Agreement With Interborough Rapid Transit Company for Construction of Additional Stairway at 225th Street Station—Agreement Filed

The Commission ordered filed an original agreement dated July 10, 1923, between The City of New York, acting by the Transit Commission, and Interborough Rapid Transit Company providing for the construction of an additional stairway to the north-bound platform of the 225th Street Station of the Manhattan-Bronx Rapid Transit Railroad, which agreement was executed on behalf of both parties and delivered on August 6, 1923.

1106—R. T. 6685

Route No. 33, Section No. 3—Communication from New York Rapid Transit Corporation Stating That Necessary Plans Will Be Prepared and Prices Obtained for Escalator at Lawrence Street Station—Filed

A communication was ordered filed from the New York Rapid Transit Corporation dated August 1, 1923, advising that the necessary plans will be prepared and prices obtained for the installation of an escalator at the Lawrence Street Station as directed by the Commission at its meeting on July 24, 1923.

1107—R. T. 7118

Contract No. 3—Permit from War Department for Construction of Bulkhead Line Along Westerly Shore of Harlem River Between 145th and 150th Streets—Filed

A permit was ordered filed, issued from the War Department by Col. H. C. Newcomer, Corps of Engineers, dated August 4, 1923, for the construction of a bulkhead and fill along the westerly shore of the Harlem River, between 145th and 150th Streets, Borough of Manhattan.

1108

Lease—Resolution Approving Proposed Lease for Portion of Second Floor of Premises at No. 108 Main Street, Flushing—Adopted

The following resolution was adopted:

Resolved, That this Commission do and hereby does approve the proposed lease with Rose Tsitsera for the southeast portion of the second floor of the premises located at No. 108 Main Street, Flushing, N. Y. for the term of one year from the 3rd day of April, 1923, at the annual rental of \$600, payable in monthly installments of \$50 each for the purpose of maintaining a section office for the use of the Engineering Department of this Commission, and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the said proposed lease.

1109

Employees' Calendar No. 157

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Joseph J. Hein, transit inspector, at \$125.08 per month, to take effect August 6, 1923; Clarence Leader, draftsman, at \$150.08 per month, to take effect August 8, 1923; Aubrey L. McCaffrey, draftsman, at \$150.08 per month, to take effect August 8, 1923; Anthony T. Madden, accountant, at \$150.08 per month, to take effect August 6, 1923.

Appointments under Rule VIII: 4—Paul Haan, architectural draftsman, at \$150.08 per month, to take effect August 7, 1923; George I. King, draftsman, at \$150.08 per month, to take effect July 31, 1923; Roscoe E. Robins, junior assistant, at \$125.08 per month, to take effect August 1, 1923; Abraham Schiff, junior assistant, at \$125.08 per month, to take effect August 7, 1923; John R. Turner, junior assistant, at \$125.08 per month, to take effect August 1, 1923; Francis Weber, draftsman, at \$150.08 per month, to take effect August 7, 1923.

Reinstatement under Rule XVI: 1—George E. Tallman, junior assistant, at \$125.08 per month, to take effect August 1, 1923.

Dismissed—Roscoe E. Robins, laborer, at \$100.00 per month, to take effect July 31, 1923; John R. Turner, laborer, at \$100.00 per month, to take effect July 31, 1923.

Terminations of Appointments under Rule VIII: 4—Clarence Leader, draftsman, at \$150.08 per month, to take effect August 7, 1923; John H. Scott, draftsman, at \$150.08 per month, to take effect August 14, 1923; A. I. Shulman, draftsman, at \$150.08 per month, to take effect August 14, 1923.

Change of item in Resolution of July 31, 1923, concerning Benjamin Nelson, so as to read as follows: (Appointment)—Benjamin Nelson, draftsman, at \$150.08 per month, to take effect August 4, 1923.

Leave of absence with pay—Margaret J. Knott, file clerk, from July 1, 1923 to December 31, 1923; J. J. Quinn, assistant engineer, from June 19, 1923, to June 30, 1923.

Resignations—Frank Bennett, supervising transit inspector, at \$212.50 per month, to take effect August 1, 1923; Willis R. Cantrell, junior assistant, at \$125.08 per month, to take effect July 31, 1923; John Horn, engineering inspector, at \$180.00 per month, to take effect August 7, 1923; Isidor Mager, junior assistant, at \$125.08 per month, to take effect July 31, 1923.

1110

Employees—Recommendations by Chief Executive Officer as to Efficiency Ratings and Departmental Budgets—Approval Resolution

The Commission adopted a resolution approving certain recommendations by the Chief Executive Officer as to the establishment of various bureaus and departments and of regulations governing the preparation and keeping of efficiency ratings of employees of the Commission and for the establishment of a personnel budget for each department or bureau, and authorizing and directing the Chief Executive Officer to take all steps necessary to carry into effect such recommendations and to submit to the State Civil Service Commission, for its approval, such requirements as may be necessary in accordance with the law.

1111

Voucher Schedule No. 32

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them as enumerated below, and directs that the said vouchers be transmitted to the Comptroller of The City of New York for payment.

Vouchers Nos. 788-789, Open Market Orders, \$9; Vouchers Nos. 394 to 400, Miscellaneous Bills, \$9,459.85.

Estimates by Chief Engineer of Value of Work Done and Materials Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

- Voucher No. 199; Michael Del Balso; Approximate Estimate No. 7 for installation of tracks and construction of drainage system and concrete inspection pits at 239th Street Yard, from July 1, 1923 to July 31, 1923 (R. T. 7528), \$25,273.32.
- Voucher No. 200; Wagner Engineering Company, Inc.; Approximate Estimate No. 7 for construction of direction signs at stations from July 6, 1923 to August 5, 1923 (R. T. 7482), \$1,255.60.
- Voucher No. 201; Frederick L. Cranford, Inc.; Approximate Estimate No. 13 for the reconstruction of the Lawrence Street Station, Section No. 3 of Route No. 33 from July 1, 1923 to July 31, 1923 (R. T. 7454), \$9,142.74.
- Voucher No. 202; Rapid Transit Subway Construction Company, assignee, third installment under Saratoga Award, superseding Voucher No. 45, dated February 14, 1923 in the amount of \$270,139 which is cancelled. (R. T. 2008), \$200,000.
- Voucher No. 203; Fox Reynolds Company, Inc.; Approximate Estimate No. 2 for excavation and construction of retaining wall at Lenox Avenue Yard from July 1, 1923 to July 31, 1923 (R. T. 7642), \$13,776.30.
- Voucher No. 204; Slattery Engineering & Construction Company, Inc.; Approximate Estimate No. 9 for construction of additional approach track to Lenox Avenue Yard from July 1, 1923 to July 31, 1923 (R. T. 7366), \$9,384.80.
- Voucher No. 205; T. H. Reynolds Contracting Company, Inc.; Approximate Estimate No. 8 for installation of tracks in Sections Nos. 1 to 5 inclusive of Route No 8 from July 1, 1923 to July 31, 1923 (R. T. 7536), \$30,881.99.

1112

Hearings

The following hearings were held:

11:30 A. M., R. T. 7681. Draft form of contract for construction of enclosures to Third Addition to Shops at Lenox Avenue and 148th Street Yard. Commissioner Harkness presided. Hearing closed.

2:30 P. M., Case No. 2627. Hearing on Motion of the Commission upon the regulations, practices, equipment, appliances and service of the Interborough Rapid Transit Company. Chairman McAneny and Commissioners Harkness and O'Ryan presided. Adjourned tentatively to August 9, 1923, at 11:00 A. M.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Thursday, August 9, 1923

1113

Hearings

The following hearing was adjourned:

10:30 A. M.; R. T. 4007; Lengthening of platforms at local stations of Manhattan-Bronx Rapid Transit Railroad. Adjourned to August 16, 1923 at 10:30 A. M.

The following hearing was closed:

Case No. 2627; Hearing on motion of the Commission upon the regulations, practices, equipment, appliances and service of the Interborough Rapid Transit Company.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Friday, August 10, 1923

1114—R. T. 7684

Agreement "CO"—Receipt of Bids for Miscellaneous Drainage and Sewer Construction in Boroughs of Manhattan, Brooklyn and Queens—Referred to Chief Engineer

Chairman McAneny stated that the time within which to receive bids for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, Agreement "CO," had elapsed at 11:30 A. M. and directed the Acting Secretary to open the sealed box, which had been provided for the deposit of such bids and to read the bids received. The Acting Secretary presented the proper affidavits of publication and opened the box and read the three bids received. The bids were then referred to the Chief Engineer.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Tuesday, August 14, 1923

Present: LeRoy T. Harkness, Acting Chairman; John F. O'Ryan, Commissioner; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1115

The minutes of the proceedings for the month of May, 1923, were approved.

1116—R. T. 7684

Agreement "CO"—Resolution Authorizing Release of Checks to All But Lowest and Next to Lowest of Bidders for Miscellaneous Drainage and Sewer Construction in Boroughs of Manhattan, Brooklyn and Queens—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on August 10, 1923, for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, Agreement "CO," the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to the lowest of the bidders, the certified checks in the sum of Three hundred (\$300.) dollars deposited with their bids.

1117—R. T. 7612

Agreement "CG"—Certificate by Chief Engineer of Completion of Contract for Concreting Voids Under Platform of Eighth Street Station—Resolution Accepting Work and Directing That Certificate Be Filed With Comptroller

The following certificate was approved:

August 1, 1923.

To: TRANSIT COMMISSION.

Certificate of Completion: Concreting Voids—8th Street Station.

In connection with the contract dated April 2, 1923, between the City of New York, acting by the Transit Commission and Edwards and Flood, Inc., for concreting voids under platform of 8th Street Station, Borough of Manhattan, I hereby certify that all work was completed on July 14, 1923. The total cost of the work was \$852.20.

In accordance with the provisions of the contract, all work should have been completed by June 12, 1923. The time for completion, however, was extended to July 14, 1923, by resolution of the Transit Commission adopted on July 31, 1923. As all work was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The contract dated April 2, 1923, between The City of New York, acting by the Transit Commission, and Edwards & Flood, Inc., for concreting voids under the platform of the 8th Street Station of the Broadway-Fourth Avenue Rapid Transit Railroad, in the Borough of Manhattan, required the completion of all work thereunder on or before June 12, 1923, which time was, by resolution of this Commission adopted on July 31, 1923, extended to and including July 14, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated August 1, 1923, has reported that all the work required under said contract was in all respects completed on or before July 14, 1923; that the total amount due therefor was \$852.20 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

Resolved, That said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York.

1118—R. T. 7368

Contract No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Establishment of Supplementary Unit Price for Concreting Wall under Contract for Second Addition to Shops at Lenox Avenue and 148th Street Yard—Resolution Approving Supplementary Unit Price

A certified copy of the following resolution adopted by the Board of Estimate and Apportionment on August 3, 1923, was ordered filed:

(Cal. No. 8)

Resolved, That, pursuant to the request of the Transit Commission to this Board, dated July 24, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent and agree to the establishment of a supplementary unit price under Item 150 of the contract, dated August 3, 1922, with Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops at the Lenox Avenue and 148th Street Yard, under Contract No. 3, as follows:

Schedule Item No. 9-W—For 8-inch concrete wall in place with a neat smooth-finished surface at \$25 per cubic yard.

—as more particularly set forth in said request of the Transit Commission to this Board, dated July 24, 1923, the cost of which exceeds the limitations fixed by Item 150 of the contract, namely, five thousand dollars (\$5,000), and therefore requires the consent of the Board of Estimate and Apportionment to the substitution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, August 3, 1923.

JAMES MATTHEWS,
Assistant Secretary.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated August 3, 1922 between the City of New York acting by the Transit Commission and Jacob Schlesinger, Inc. for the construction of the Second Addition to Shops at the Lenox Avenue Yard, under Contract No. 3, having subject to

the approval of the Commission, agreed with the said contractor on the following supplementary schedule item:

Item No. 9-W—For 8" concrete wall in place with a neat smooth finished surface at \$25.00 per cubic yard.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1119—R. T. 6567

Contract No. 3—Stipulation with Interborough Rapid Transit Company as to Rendition of Thirty-seventh to Forty-first Quarterly Determinations of Cost and as to Extensions of Time within Which to File Objections to Items Contained in the Thirty-eighth to Forty-first Quarterly Determinations and Redeterminations of First to Ninth Quarterly Determinations of Cost—Approved

The Commission approved the following stipulation with the Interborough Rapid Transit Company, dated July 25, 1923:

"It is hereby stipulated and agreed between the Interborough Rapid Transit Company and the Transit Commission that the Chief Engineer of the Transit Commission may render his thirty-seventh quarterly determination in advance of his redetermination of the tenth to the thirty-sixth quarterly determinations.

"It is further stipulated and agreed that the Chief Engineer of the Transit Commission may render his thirty-eighth, thirty-ninth and fortieth quarterly determinations at the time the forty-first quarterly determination is rendered, and the Transit Commission and Interborough Rapid Transit Company shall have thirty days after the date of the service of the forty-first quarterly determination to file their objections to all or any of the items of all or any of the said determinations from the thirty-eighth to the forty-first, quarterly determinations, both inclusive.

"It is further stipulated and agreed that the time of the said Transit Commission and of the said Interborough Rapid Transit Company within which to give written notice to the other that it requires the redetermination of the first to the ninth quarterly determinations, both inclusive, rendered by the said Chief Engineer to be submitted to arbitration be and the same hereby is extended until thirty days after the said Chief Engineer renders his redeterminations of the tenth to the thirty-seventh quarterly determinations."

1120—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Induced Draft Fan Motors for New Boilers at 59th Street Power House—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated July 23, 1923, requesting approval of a proposed purchasing agent's order directed to the General Electric Company for two sets of induction motors and accessories for induced draft fans to be used in the 59th Street Power Station at a total cost of \$17,600.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated August 2, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad to be performed under Work Order No. IBA-7 heretofore assigned.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922, the application of the Interborough Rapid Transit Company pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the

Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3, consisting of additional units of new equipment and appurtenances and cables to provide additional power, was approved; and

Whereas, By resolution adopted by this Commission on November 14, 1922, Work Order No. IBA-7 was assigned thereto; and

Whereas, By resolution adopted by this Commission on July 10, 1923, pursuant to the resolutions aforesaid, this Commission approved a proposed Contract between the Babcock & Wilcox Company for the manufacture, delivery and installation in the 59th Street Power House of four 1140 H. P. B. & W. Super Heaters complete and ready for operation; and

Whereas, By communication dated July 23, 1923, said Interborough Rapid Transit Company, pursuant to the resolutions of September 7, 1922 and November 14, 1922 aforesaid, has submitted, for the approval of this Commission, Proposed Purchasing Agent's Order dated July 23, 1923, directed to the General Electric Company for the following:

- "2 Sets of Motors, each set consisting of
 - 1-KT-422-12-350HP, 250 rpm, 440 volt, 3 phase, 25 cycle, squirrel cage motor complete with end shield bearings.
 - 1-350 HP compensator for floor mounting less switches, CR-1034, form E-5.
 - 1-KT-422-14-175-HP-187½ rpm, 440 volt, 3 phase, 25 cycle induction motor, complete with end shield bearings. The efficiency of this motor shall be approximately 89½% instead of 87%, at 84% power factor.
 - 1-Self contained starting compensator including switches, NR-5167-P-1.
 - 1-Coupling for between motors.

Motors are to be insulated for 2,200 volts and equipped with automatic remote control provided with an interlock between the two motors, so that only one could be run at a time. Price: \$8,800.00 each set.....\$17,600.00"

which proposed Purchasing Agent's Order has been caused to be designated "Approval No. 488"; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated August 4, 1922, reported that the following bids were received for said apparatus:

"B. F. Sturtevant Co.....	\$16,640.	(F. O. B. Readville, Mass.)
General Electric Co.	17,600.	(F. O. B. N. Y. C.)
Westinghouse Electric & Mfg. Co..	17,900.	(F. O. B. Pittsburgh, Pa.)"

; that the bid of B. F. Sturtevant Company was not considered because that company could not quote on remotely controlled motors which are essential for this class of work; that said motors are to be used to drive induced draft fans which are auxiliaries required for two of the new B. & W. Boilers purchased for said company and recommend the approval of said Proposed Purchasing Agent's Order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 8, 1923, has recommended that such apparatus be classified as Additional Equipment for the Railroad under Work Order No. IBA-7 heretofore assigned as aforesaid,

Resolved, That said Proposed Purchasing Agent's Order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said Purchasing Agent's Order for such material so to be purchased to be classified as Additional Equipment for the Railroad pursuant to Work Order No. IBA-7, assigned as aforesaid.

1121—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Stoker Drive Motors for New Boilers at 59th Street Power House—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated July 25, 1923, requesting approval of a proposed purchasing agent's order directed to the

Westinghouse Electric & Manufacturing company for three direct current motors and accessories for stoker drive to be used in the 59th Street Power Station, at a total cost of \$2,969.

A report was presented from the Acting Engineer of Equipment and Operation and Chief Engineer, dated August 4, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad, to be performed under Work Order No. IBA-7, heretofore assigned.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922, the application of the Interborough Rapid Transit Company, pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3, consisting of additional units of new equipment and appurtenances and cables to provide additional power, was approved; and

Whereas, By resolution adopted by this Commission November 14, 1922, Work Order No. IBA-7 was assigned thereto; and

Whereas, By resolution adopted by this Commission on July 10, 1923, pursuant to the resolutions aforesaid this Commission approved a proposed contract between the Babcock & Wilcox Company for the manufacture, delivery and installation in the 59th Street Power House of four 1140 H. P. B. & W. Boilers and three B. & W. Super Heaters complete and ready for operation; and

Whereas, By communication dated July 25, 1923, said Interborough Rapid Transit Company, pursuant to the resolutions of September 7, 1922 and November 14, 1922 aforesaid, has submitted, for the approval of this Commission, Proposed Purchasing Agent's Order dated July 25, 1923, directed to the Westinghouse Electric and Manufacturing Company for the following:

"3—14-7 H. P. Motors, type "SK," frame No. 140, adjustable speed by field control, continuous duty at 40° C rise, D. C. type "SK" 230 volts, 300-1200 RPM, two bearings, shunt wound, semi-enclosed with solid covers on top and grid covers below, horizontal, arranged for floor mountings, for chain drive to a mechanical stoker. With standard single ended shaft. Insulation will be special No. 2 to resist moisture and coal dust, each including:—

1 Set of slide rails

1 Type 245 drum controller, including separately mounted resistor.

Total Cost: \$2969.00"

which proposed Purchasing Agent's Order has been caused to be designated "Approval No. 497"; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated August 4, 1923, reported that the following bids were received, for said apparatus:

Westinghouse Electric & Mfg. Co.....	\$2,969.00
General Electric Co.....	3,209.40

; that the award is to the lowest bidder and the price of the apparatus proposed is reasonable; that such apparatus is necessary to drive the stokers for two of the boilers to be purchased as aforesaid and recommend the approval of said proposed Purchasing Agent's Order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 8, 1923, has recommended that such apparatus be classified as Additional Equipment for the Railroad under Work Order No. IBA-7 heretofore assigned as aforesaid.

Resolved, That said proposed Purchasing Agent's Order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said Purchasing Agent's Order for such material so to be purchased to be classified as Additional Equipment for the Railroad pursuant to Work Order No. IBA-7 assigned as aforesaid.

1122—R. T. 7224

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Transfer of Certain Cables from Contract No. 1 and Manhattan Elevated Railroad Ducts to Contract No. 3—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations as to Method of Accounting—Report by Counsel Submitting Proposed Stipulation as to Vesting of Title to Equipment—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated July 9, 1923, requesting approval to the transfer of certain cables from their present location in Contract No. 1 owned by the Interborough Rapid Transit Company as part of the property of Contract No. 1 and certain cables in the Manhattan Elevated Railroad Company to various portions of the Seventh Avenue-Lexington Avenue Line under Contract No. 3.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated July 21, 1923, stating that the transfer of such cables is necessary from an engineering standpoint, that the estimated cost of \$9,100. is reasonable and recommending that the application be approved.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuation dated August 1, 1923, recommending that the method of accounting for same be followed as described below.

A report was presented from Counsel, dated August 13, 1923, submitting a proposed stipulation with the Interborough Rapid Transit Company with respect to the vesting of title to the equipment installed under Contract No. 3.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting, by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3, said Interborough Rapid Transit Company by communication dated July 9, 1923 has requested the approval of this Commission to the transfer of certain cables from their present location in the Manhattan-Bronx Rapid Transit Railroad (Contract No. 1) and Manhattan Elevated Railroad ducts to the ducts of the Railroad described in said Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated July 21, 1923, reported that the following changes are contemplated by such application; to move 9,160 feet of 3 conductor 000 Manhattan Company cable from Spring Street between Lafayette Street and abandoned Manhattan Substation No. 2 and in 54th Street between Broadway and abandoned Manhattan Substation No. 3 on 53rd Street, and the installation of such cable in the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad described in said Contract No. 3; also, to remove approximately 17,840 feet of 3 conductor 000 cable from Lafayette Street and Fourth Avenue between Prince and East 19th Streets and also in the West Farms Branch of the Manhattan-Bronx Rapid Transit Railroad between 96th Street and Broadway and Simpson Street and Westchester Avenue and on Broadway between 58th Street and 96th Streets, all of which cable is to be installed in the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad, described in said Contract No. 3; and also to remove approximately 1,500 feet of Contract No. 1 cable of single conductor 00 cable from 42nd Street between Fifth Avenue and Broadway to the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad described in

said Contract No. 3; that the estimated cost of such work is \$9,100; that the installation of such cable in the Railroad described in said Contract No. 3 is necessary from an engineering standpoint and that the estimated cost is reasonable; that an economy is effected in the utilization of this used cable, since the cost of new cable would be in excess of approximately \$40,000 and recommend the approval of said application; and

Whereas, Counsel to the Commission by communication dated August 13, 1923, has submitted for the approval of this Commission a proposed stipulation between Interborough Rapid Transit Company and this Commission, which if executed, will hold in abeyance the question of compliance with the provisions of Article XLIV of said Contract No. 3 in respect of the vesting of title to the equipment installed under said Contract No. 3 and has recommended the approval, execution and delivery thereof; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuation have, by communication dated August 1, 1923, recommended the following as the method of accounting to be followed upon the approval of such application:

a. The cost of disconnecting and removing old Contract No. 1 cable and reinstalling and connecting it for use in the ventilation feeder to the fan chamber at 53rd Street and Lexington Avenue, charge to "Operating Expenses" under Contract No. 3.

b. The cost of disconnecting and removing old Contract No. 1 cable and reinstalling and connecting it for use as a high tension feeder from the 59th Street power house to substation No. 21, charge to "Operating Expenses" under Contract No. 3.

c. The cost of disconnecting and removing old Manhattan Railway Co. cable and reinstalling and connecting it for use as a high tension feeder from the 59th Street power house to substation No. 21, charge 50% to "Operating Expenses" under Extensions Certificate and 50% to "Operating Expenses" under Contract No. 3."

Resolved, That the said reports and recommendations be and the same hereby are approved; that the application of Interborough Rapid Transit Company made as aforesaid be and the same hereby is approved upon the following conditions:

a. That the cost of disconnecting and removing old Contract No. 1 cable and reinstalling and connecting it for use in the ventilation feeder to the fan chamber at 53rd Street and Lexington Avenue, be charged to "Operating Expenses" under Contract No. 3.

b. That the cost of disconnecting and removing old Contract No. 1 cable and reinstalling and connecting it for use as a high tension feeder from the 59th Street power house to Substation No. 21, be charged to "Operating Expenses" under Contract No. 3.

c. That the cost of disconnecting and removing old Manhattan Railway Co. cable and reinstalling and connecting it for use as a high tension feeder from the 59th Street power house to Substation No. 21 be charged 50% to "Operating Expenses" under Extensions Certificate and 50% to "Operating Expenses" under Contract No. 3.

Further Resolved, That the stipulation so submitted by Counsel be and the same hereby is approved and adopted and that the Chairman of this Commission be and hereby is authorized and directed to execute and deliver the same for and on behalf of this Commission.

1123—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation Requesting Approval of Proposed Purchasing Agent's Order for Third Rail and Track Rail Bonding in Subway Portion of 14th Street-Eastern Line—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated August 3, 1923, requesting approval of a proposed purchasing agent's order directed to B. T. & J. J. Mack, Inc., for erection of third rail and for track rail bonding in the

subway portion of the 14th Street-Eastern Line at an approximate cost of \$119,296.40.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated August 13, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as "Equipment of the Railroad".

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation known as Contract No. 4, New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4 has by communication dated August 3, 1923 submitted for the approval of this Commission a proposed purchasing agent's order dated August 2, 1923 directed to B. T. & J. J. Mack, Inc., for the following:

Erection of Third Rail and Appurtenances and Track Rail Bonding 14th Street-Eastern Line, from Sixth Avenue, Manhattan to Montrose Avenue, Brooklyn, in accordance with attached specifications and schedule of prices.

Payments to be made in accordance with Schedule of Prices.

Partial payments to be made on the 20th day of each month for 90% of the value of the work performed during the preceding month, provided the Contractor is making proper progress and payments by the Contractor to any Sub-Contractor for work done in connection with the work are being made consistent with payments by the Company to the Contractor.

Time of completion to be as specified under "Work to be Done" of the specifications.

together with the specifications made part thereof, which proposed purchasing agent's order has been caused to be designated as "Approval No. 366"; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated August 13, 1923 reported that the following is a recapitulation of bids taken for such work:

B. T. & J. J. Mack, Inc.....	Approximately...	\$119,296.40
Seymour Construction Co.....	Approximately...	130,628.55
McElroy & Kerwin.....	Approximately...	179,209.35
Thomas Crimmins Contracting Co....	Approximately...	215,349.10
T. H. Reynolds Contracting Co., Inc....	Approximately...	223,150.25
Edwards & Flood, Inc.....	Could not quote.	
Jobson-Gifford Co.	Could not quote.	
Terry & Tench Co.....	Could not quote.	
Ward & Tully.....	Did not reply.	
G. E. Engineering Co., Inc.....	Did not reply.	
Holbrook Cabot & Rollins Corp....	Did not reply.	

that the award is to the lowest bidder which is fully competent to perform the work; that the plans and specifications for such work have already been approved by the Chief Engineer and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 14, 1923 has recommended that such work be classified as "Equipment of the Railroad" as defined in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order. The work to be performed pursuant thereto to be classified as "Equipment of the Railroad" as defined in said Contract No. 4.

1124

Richmond Light & Railroad Company, John J. Kuhn, Receiver—Notice from Receiver as to Turning Back of Property—Filed

The Acting Secretary presented a communication, dated August 3, 1923, from John J. Kuhn, transmitting copy of decree of the United States District Court for the

Eastern District of New York, directing the turning back of the properties by him as Receiver of the Richmond Light & Railroad Company and advising that said properties were turned back to the Company at midnight on July 31, 1923.

Thereupon the above mentioned papers were ordered filed.

1125

Nassau Bus Line, Inc.—Communication from Board of Estimate and Apportionment Transmitting Franchise Contract—Filed

The Acting Secretary presented a communication, dated August 6, 1923, from James Matthews, Assistant Secretary of the Board of Estimate & Apportionment, transmitting certified copy of contract, dated July 31, 1923, by and between The City of New York and the Nassau Bus Line, Inc., granting said bus line a franchise to operate buses on Central Avenue and other avenues, in the Borough of Queens.

Thereupon the above mentioned papers were ordered filed.

1126

Concourse Bus Line, Inc.—Communication from Board of Estimate and Apportionment Transmitting Franchise Contract—Filed

The Acting Secretary presented a communication, dated August 6, 1923, from James Matthews, Assistant Secretary of the Board of Estimate & Apportionment, transmitting certified copy of contract, dated July 31, 1923, by and between The City of New York and the Concourse Bus Line, Inc., granting said company a franchise to operate two bus routes in the Boroughs of Manhattan and The Bronx.

Thereupon the above mentioned papers were ordered filed.

1127—R. T. 6334

Contract No. 1—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Agreement for Reconstructing Additional Entrance to Dyckman Street Station and Authorizing Additional Appropriation of \$200 as Part of City's Share—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on August 3, 1923, was ordered filed:

(Cal. No. 7)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated July 17, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed agreement (subject to its approval, as to form, by the Corporation Counsel) with the Interborough Rapid Transit Company, as lessee, for all work required for reconstructing the entrance to the Dyckman Street Station of the Manhattan-Bronx Rapid Transit Railroad of the existing railroads passing over and along Broadway, in the Borough of Manhattan, as addition to construction under Contract No. 3, at a cost to The City of New York of eight hundred dollars (\$800), being one-half of the total estimated cost of such addition to construction, namely, sixteen hundred dollars (\$1,600); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be eight hundred dollars (\$800); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding two hundred dollars (\$200) in addition to the six hundred dollars (\$600) heretofore authorized for this purpose, at

[August 14, 1923]

such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said addition to construction, under said agreement; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriation subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment. August 3, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1128—R. T. 7590

Contract No. 3—Notice by Chief Engineer of Commencement of Work for Supply and Erection of Structural Steel for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Filed

The Commission ordered filed a notice from the Chief Engineer, dated August 8, 1923, advising of the commencement of work by McClintic-Marshall Company on July 31, 1923, for the supply and erection of structural steel for the Third Addition to Shops at the Lenox Avenue and 148th Street Yard.

1129—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Submitting List of Sub-Contracts Approved during Month of July, 1923—Filed

The following report by the Chief Engineer was ordered filed:

August 13, 1923.

To TRANSIT COMMISSION,

List of Sub-Contracts.

I submit, as follows, a list of sub-contracts, approved by this Department during the month of July.

Route No.	Section No.	Contractor.	Sub-Contractor	Date of Approval	Materials.
8	6A-1	Frederick L. Cranford, Inc.	Pennsylvania Cement Co.	7/23/23	Cement, T. C. Inspected.
16	Inspection Shed & Service Bldgs., Jerome Ave. Yard	Jacob Schlesinger, Inc.	S. L. Snyder Co., Inc.	7/ 6/23	Labor and material on plumbing work.
16	Inspection Shed & Service Bldgs., Jerome Ave. Yard	Jacob Schlesinger, Inc.	Goodwin-Gallagher Sand & Gravel Corp.	7/11/23	Sand, T. C. Inspected.
			Rosoff Sand & Gravel Corp.	7/11/23	Gravel, T. C. Inspected.
			N. Y. Trap Rock Corp.	7/11/23	Broken stone, T. C. inspected for use in foundations.
33 Sec. 3	Completion of Lawrence St. Station.	Frederick L. Cranford, Inc.	L. Mitchell Tappen Co. (in place of Korlow Steel Flooring Co., previously approved).	7/23/23	Gratings.
33 Sec. 3	Completion of Lawrence St. Station.	Frederick L. Cranford, Inc.	Clermont Sewer Pipe Co.	7/27/23	Single ducts.

Route No.	Section No.	Contractor.	Sub-Contractor	Date of Approval	Materials.
52	Sec. 3.	Oakdale Contracting Co.	Rosoff Sand & Gravel Corp. Tompkins Cove Stone Co. U. S. Cast Iron Pipe & Foundry Co.	7/25/23 7/25/23 7/25/23	Gravel, T. C. Inspected. Broken stone, T. C. Inspected. Cast-iron water pipe & specials, T. C. Inspected.
Agreement "CC"—	Changes in Subway Structure necessitated by widening of 60th St. bet. 2d and 5th Aves. Brooklyn.	Jacob Schlesinger, Inc.	Goodwin-Gallagher Sand & Gravel Corp. Rosoff Sand & Gravel Corp.	7/11/23 7/11/23	Sand, T. C. Inspected. Gravel, T. C. Inspected.
Agreement "CJ"—	Concrete & Steel Highway Bridge at 9th Ave. bet. 37th and 38th Sts. Brooklyn.	Con-M. A. Charles.	Phoenix Bridge Co.	7/ 5/23	Furnishing, erecting & painting structural steel.
Agreement "CK"—	Retaining Wall at Lenox Ave. Yard bet. 148th and 150th Streets.	Fox, Reynolds Co., Inc.	J. P. Duffy Co.	7/13/23	"Atlas" Portland Cement, T. C. Inspected.
Agreement "CK"—	Retaining Wall at Lenox Ave. Yard bet. 148th and 150th Streets.	Fox, Reynolds Co., Inc.	Gallagher-Shand Inc.	7/27/23	Sand & Gravel, T. C. Inspected. (Supplied by the Goodwin-Gallagher Sand & Gravel Corp.).
Second Addition to Shops, 148th St. and Lenox Ave. yard.		Jacob Schlesinger, Inc.	Goodwin-Gallagher Sand & Gravel Corp. Rosoff Sand & Gravel Corp.	7/11/23 7/11/23	Sand, T. C. Inspected. Gravel, T. C. Inspected.
Third Addition to Shops, 148th St. and Lenox Ave. yard—Constructing Foundations.		Rosenthal Eng. Contracting Co.	U. S. Cast Iron Pipe & Foundry Co.	7/ 3/23	Cast-iron sewer pipe.
Contract No. 1, 168th Street Station.		Holbrook, Cabot & Rollins Corp.	A. K. Michalakos Co.	7/ 2/23	Painting iron, steel, plaster, concrete, etc.
Completion of Built-in Newsstand Enclosures, Contracts 3 and 4.		Fox, Reynolds Co., Inc.	Benjamin Moore & Co.	7/13/23	Paint, T. C. Inspected.
Completion of Built-in Newsstand Enclosures, Contracts 3 and 4.		Fox, Reynolds Co., Inc.	Pittsburgh Plate Glass Co.	7/18/23	Polished wire plate glass.

ROBERT RIDGWAY,
Chief Engineer.

1130—R. T. 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Transmitting Copy of Contract for Three Rotaries, Transformers, Etc., for Substation No. 27—Filed

The Commission ordered filed a communication dated August 7, 1923, from the Interborough Rapid Transit Company by H. M. Fisher, Secretary, transmitting a copy

of a contract dated February 28, 1923, with the General Electric Company for three 2,000 k. w. rotaries, transformers, etc., for Substation No. 27.

1131

Employees' Calendar No. 158

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—William J. Lodge, architectural draftsman, at \$150.08 per month, to take effect August 11, 1923; John P. Mulhern, architectural draftsman, at \$150.08 per month, to take effect August 11, 1923; Ethel H. Schneider, file clerk, at \$100.00 per month, to take effect August 16, 1923; Benjamin Silverman, architectural draftsman, at \$150.08 per month, to take effect August 11, 1923.

Appointments Under Rule VIII:4—Morris Bass, draftsman, at \$150.08 per month, to take effect August 13, 1923; John F. O'Heir, Jr., engineering inspector, at \$150.08 per month, to take effect August 9, 1923; Philip Perlstein, junior assistant, at \$125.08 per month, to take effect August 9, 1923; George M. Remson, draftsman, at \$150.08 per month, to take effect August 9, 1923; James M. Sterner, junior assistant, at \$125.08 per month, to take effect August 13, 1923.

Rescission of Appointment—Meyer Michalowicz, draftsman, at \$150.08 per month, to take effect August 17, 1923.

Rescission of Termination of Appointment Under Rule VIII:4—Meyer Michalowicz, engineering inspector, at \$150.08 per month, to take effect August 16, 1923.

Resignation (Exempt)—George O. Redington, counsel to the commission, at \$833.33 per month, to take effect August 31, 1923.

Resignations—J. S. Dougherty, junior clerk, at \$60 per month, to take effect August 11, 1923; William G. Fullen, assistant counsel, at \$541.66 per month, to take effect August 31, 1923; J. L. Lemke, junior assistant, at \$125.08 per month, to take effect July 31, 1923; Meyer Michalowicz, engineering inspector, at \$150.08 per month, to take effect August 15, 1923; I. Spahn, junior assistant, at \$125.08 per month, to take effect August 15, 1923; Augustine H. Thorogood, transit inspector, at \$137.50 per month, to take effect August 11, 1923.

Termination of Appointments Under Rule VIII:4—Alexander Charles, draftsman, at \$150.08 per month, to take effect August 14, 1923; William J. Lodge, architectural draftsman, at \$150.08 per month, to take effect August 10, 1923.

Termination of Appointments Under Rule VIII:9—Julio M. Conesa, architectural draftsman, at \$150.08 per month, to take effect August 10, 1923; John P. Mulhern, architectural draftsman, at \$150.08 per month, to take effect August 10, 1923; Benjamin Silverman, architectural draftsman, at \$150.08 per month, to take effect August 10, 1923; David Stone, architectural draftsman, at \$150.08 per month, to take effect August 17, 1923.

Appointment (Exempt)—William G. Fullen, counsel to the commission, at \$833.33 per month, to take effect September 1, 1923.

1132

Voucher Schedule No. 33

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted to the Comptroller of The City of New York for payment:

Vouchers Nos. 144 to 152, regular payrolls, \$87,775; Voucher No. CM-16, State payroll, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Materials Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

- Voucher No. 197; Edwards & Flood, Inc.; Approximate Estimate No. 1 for concreting voids under platform of Eighth Street Station, Route No. 5, Section No. 4, from April 12, 1923 to July 12, 1923 (R.T. 7612), \$700.74.
- Voucher No. 198; Edwards & Flood, Inc.; Final Estimate for concreting voids under platform of Eighth Street Station, Route No. 5, Section No. 4, to July 14, 1923 (R. T. 7612), \$151.46.
- Voucher No. 206; Rosenthal Engineering Contracting Company, Inc., Approximate Estimate No. 11 for construction of enclosure to inspection shed at 180th Street Yard from July 1, 1923 to July 31, 1923 (R.T. 7457), \$9,233.47.
- Voucher No. 207; New York Rapid Transit Corporation; Approximate Estimate No. 4 for lengthening of platform at Canal Street Station of Center Street Loop from June 1, 1923 to June 30, 1923 (R.T. 7431), \$12,731.14.
- Voucher No. 209; Gustin-Morris Contracting Corporation; Approximate Estimate No. 4 for construction of foundations for Route No. 52, Section No. 1, Flushing Line from July 1, 1923 to July 31, 1923 (R.T. 7670), \$11,588.21.
- Voucher No. 210; Oakdale Contracting Company, Inc.; Approximate Estimate No. 3 for the construction of Route No. 52, Section No. 3, Flushing Line from July 1, 1923 to July 31, 1923 (R.T. 7673), \$37,892.15.
- Voucher No. 211; Powers Kennedy Contracting Corporation; Approximate Estimate No. 14 for the construction of Routes Nos. 35 & 67, Queensboro Subway Extension from July 1, 1923 to July 31, 1923 (R.T. 7584), \$41,668.78.
- Voucher No. 212; Frederick L. Cranford, Inc.; Approximate Estimate No. 4 for the construction of Route No. 8, Section No. 6 A-1 of the Fourteenth Street-Eastern Line from July 1, 1923 to July 31, 1923 (R.T. 7667), \$40,403.65.
- Voucher No. 213; Holbrook, Cabot & Rollins Corporation; Approximate Estimate No. 14 for the construction of a new entrance to the 168th Street Station, Contract No. 1, from July 1, 1923 to July 31, 1923 (R. T. 6114), \$3,183.72.
- Voucher No. 214; George Colon & Company; Approximate Estimate No. 13 for the construction of a passageway at Union Square Station, Routes Nos. 5 & 8, from June 1, 1923 to July 31, 1923 (R.T. 7513), \$6,865.
- Voucher No. 215; Joslin Construction Company, Inc.; Approximate Estimate No. 12 for the reconstruction of the Jackson Avenue Station, Route No. 26, from July 1, 1923 to July 31, 1923 (R.T. 7556), \$9,272.31.
- Voucher No. 216; Jobson-Gifford Company; Approximate Estimate No. 2 for changes in steel work at easterly approach to Queensboro Plaza Station, Routes Nos. 36 & 37, Section No. 1 from July 1, 1923 to July 31, 1923 (R.T. 7573), \$15,062.53.
- Voucher No. 217; Philip J. Healey; Approximate Estimate No. 2 for making test borings at sites of proposed Coney Island and Westchester Storage Yards and extension of Broadway line under Central Park from July 1, 1923 to July 31, 1923 (R.T. 5006), \$1,562.96.

1133

Upon motion, duly seconded and adopted, the meeting was adjourned to Monday, August 20, 1923, at 11:00 A.M.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Wednesday, August 15, 1923

1134

Hearings

The following hearing was held:

10:30 A. M.; Cases Nos. 1264 and 1380; The Long Island Railroad Company; Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossings with the tracks of the company: Hempstead and Jamaica Turnpike, Bennett or Baylis Avenue, Wertland Avenue, Creed Avenue and Madison Avenue. Carleton S. Cooke, Assistant Counsel, presided. Hearing closed.

The following hearing was adjourned:

2:30 P. M., Case No. 2695; Interborough Rapid Transit Company; Hearing on Motion of the Commission as to the alteration and reconstruction of the 33rd Street and Fourth Avenue Station, in the City of New York, from a local to an express station. Adjourned by direction of the Commission until September 5, 1923, at 2:30 P. M.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Thursday, August 16, 1923

1135

Hearing

The following hearing was adjourned:

10:30 A. M., R. T. 4007. Lengthening of platforms at local stations, Contract No. 1. Hearing adjourned to September 5, 1923, at 11:00 A. M.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Friday, August 17, 1923

Present: LeRoy T. Harkness, Acting Chairman; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1136—R. T. 7653

Agreement "CN"—Receipt of Bids for Changes in Subway Structure at West 32nd Street and Broadway Incidental to Widening of Street and for Construction of Ventilation Flue—Referred to Chief Engineer.

Commissioner Harkness stated that the time within which to receive bids for making changes in the subway structure at Broadway incidental to the widening of West 32nd Street and the construction of a ventilation flue at West 32nd Street and

Broadway, Routes Nos. 4 and 36, Section No. 2, had elapsed at 11:30 A. M., and directed the Acting Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Acting Secretary presented the proper affidavits of publication and opened the box and read the seven bids received. The bids were then referred to the Chief Engineer.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Monday, August 20, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1137—R. T. 7653

Agreement "CN"—Resolution Authorizing Release of Checks to All But Lowest and Next to Lowest of Bidders for Changes in Subway Structure at West 32nd Street and Broadway Incidental to Widening of Street and for Construction of Ventilation Flue—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on August 17, 1923, for making changes in the subway structure at Broadway incidental to the widening of West 32nd Street and the construction of a ventilation flue at West 32nd Street and Broadway, Routes Nos. 4 & 36, Section No. 2, Borough of Manhattan, (Agreement "CN"), the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders, the certified checks in the sum of Three hundred (\$300) Dollars deposited with their bids.

1138—R. T. 7684

Agreement "CO"—Report by Chief Engineer Recommending Rejection of Bids for Miscellaneous Drainage and Sewer Construction in Boroughs of Manhattan, Brooklyn and Queens—Resolution Rejecting Bids and Directing That Bids Be Readvertised

A report was presented from the Chief Engineer dated August 20, 1923, as to the bids received on August 10, 1923, for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, and recommending that the bids be rejected and be again advertised.

The following resolution was adopted:

Whereas, This Commission, on August 10, 1923, pursuant to public advertisement duly had, received bids for the performance of the work pursuant to the proposed contract (Agreement "CO") for miscellaneous drainage and sewer construction in municipal rapid transit railroads in the Boroughs of Manhattan, Brooklyn and Queens, in the City of New York; and

Whereas, The Chief Engineer of this Commission, by communication dated August 20, 1923, has reported that the following bids were so received:

Frank Persicano	\$20,570.00
John Riches	23,875.00
Ward & Tully, Inc.....	34,034.00

; that the prices bid by the low bidder have been examined into and are believed to be too high and accordingly recommends that all bids received as aforesaid on August 10, 1923, for said proposed contract be rejected and that said proposed contract be readvertised.

Resolved, That said report and recommendation be and the same hereby is approved; that the bids received as aforesaid on August 10, 1923 for the performance of the work under said proposed Agreement "CO" be and the same hereby are in all respects rejected and that the Secretary of this Commission be and hereby is authorized and directed to return the security deposited with said bids and to take proper receipt therefor.

Further Resolved, That the Invitation to Contractors, forming part of said proposed Agreement "CO" for miscellaneous drainage and sewer construction in municipal rapid transit railroads in the Boroughs of Manhattan, Brooklyn and Queens, City of New York, as aforesaid, be published in the City Record continuously every day of publication from and including August 24, 1923 to and including September 10, 1923, and on August 28, 1923 and September 4, 1923, in The New York Times and the Evening Post, daily newspapers published in the City of New York, and that such bids as shall be received shall, on the 10th day of September, 1923, at 11:30 o'clock A. M. or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission or its Secretary, at the office of the Transit Commission, and read.

1139—R. T. 7681

Contract No. 3—Form of Contract, Specifications, Invitation to Contractors, Etc., for Construction of Enclosures to Third Addition to Shops at Lenox Avenue and 148th Street Yard—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the specifications and contract drawings for construction of enclosures of the Third Addition to Shops at the Lenox Avenue and 148th Street Yard (under Contract No. 3).

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contracts, Bond and Contractor's Proposal, together with the specifications and contract drawings, for the construction of enclosures of the Third Addition to Shops at the Lenox Avenue and 148th Street Yard (under Contract No. 3) be and hereby are approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication continuously from and including August 22, 1923 to and including September 10, 1923 and on August 24, 1923 and August 31, 1923 in The New York Herald and The Evening Mail, daily newspapers published in the City of New York and that such bids as shall be received shall, on the 10th day of September, 1923 at eleven-thirty (11.30) o'clock, A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission or its Secretary, at the office of the Transit Commission, and read.

1140—R. T. 7193

Route No. 12, Sections Nos. 1, 1A, 2 and 3—Communication from Deputy Comptroller Requesting Preparation of Requisition Upon Board of Estimate and Apportionment for \$29,537.23 for Settlement of Claim of Contractor for Station Finish—Report by Counsel Recommending Approval—Approval Resolution—Requisition Upon Board of Estimate and Apportionment

A communication was presented from Henry Smith, Deputy Comptroller, Department of Finance, dated August 8, 1923, requesting that a requisition be made upon the Board of Estimate and Apportionment for the appropriation of the sum of \$29,537.23 to effect the settlement of the claim of the Frederick Snare Corporation (present name of the Snare & Triest Company) growing out of the contract for station finish on Sections Nos. 1, 1A, 2 and 3 of Route No. 12, Eastern Parkway Line.

A report was presented from Counsel dated August 15, 1923, stating that the settlement is fair and proper and recommending that a requisition be made on the Board of Estimate and Apportionment for the necessary sum and that a voucher be transmitted to the Department of Finance.

The following resolution was adopted:

Whereas, The Deputy Comptroller of the City of New York by communication dated August 8, 1923, has requested the making of a requisition upon the Board of Estimate and Apportionment of the City of New York for the appropriation of the sum of twenty-nine thousand, five hundred thirty-seven dollars and twenty-three cents (\$29,537.23), to effect the settlement in that amount made with respect to the claim of Frederick Snare Corporation (present name of the Snare & Triest Company, as changed by law), growing out of the Contract between it and the City of New York, acting by the Public Service Commission for the First District for the construction of station finish for parts of the Broadway-Fourth Avenue and Eastern Parkway Rapid Transit Railroads, known as Route No. 12, Sections Nos. 1, 1-A, 2 and 3; and

Whereas, Counsel has prepared and submitted a proposed requisition for the sub-authorization of such amount under the appropriations heretofore made for Contract No. 3 and has recommended the adoption thereof and also the preparation and transmission of a voucher in the amount of such settlement to the Department of Finance coincidentally with the sending of such requisition,

Resolved, That said requisition so submitted be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment of the City of New York,

Further Resolved, That the Auditor of this Commission be and hereby is authorized and directed to prepare and transmit a proper voucher in said amount for the purposes of effecting the consummation of such settlement.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

August 20, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission is in receipt of the following communication dated August 8, 1923, from Hon. Henry Smith, Deputy Comptroller:

"A claim was filed against The City of New York on July 15, 1922 by the Frederick Snare Corporation (the present name of the Snare and Triest Company, as changed by law) for \$35,033.84 based upon alleged delay and obstruction caused to the claimant's work under a contract by and between The City of New York, acting by the Public Service Commission, and Snare and Triest Company for the construction of station finish for parts of the Broadway-Fourth Avenue and Eastern Parkway Rapid Transit Railroad, known as Route No. 12, Sections No. 1, 1-A, 2 and 3.

The contract in question (No. 47859) was authorized by the Board of Estimate and Apportionment on June 22, 1917, on requisition of the Public Service Commission, and the total appropriation of corporate stock made therefor under Contracts 3 and 4 aggregated \$467,147.60. The total expenditures for this contract aggregated \$452,978.25, and there was rescinded of the amount appropriated under Contract No. 3, \$10,600.36, and the amount rescinded from the authorizations under Contract No. 4 was \$3,568.99, making a total rescindment from the appropriations of corporate stock for said contract of \$14,169.35.

On August 30, 1922 Mr. George O. Redington, Counsel to the Transit Commission, sent a letter to Deputy Comptroller Henry Smith with respect to said claim and transmitted a copy of a report relating thereto of Chief Engineer Ridgway, the concluding paragraph of which states—

"All the figures of this claim have been checked and found correct, the contractor's books have been examined and the increase in prices of labor and materials during the periods in question have been checked as have also the interest charges. The claim is mathematically correct."

[August 20, 1923]

The claim has been reduced in the Department of Finance from the \$35,033.84 originally demanded by the claimant to \$29,537.23 which the latter by a letter to the Comptroller agrees to accept and to waive interest thereon, a full release to be given to the City.

The claim having been adjusted at the sum stated (being practically a reduction of \$5,500) and interest on the adjusted amount having been waived by the claimant, provision for the payment thereof should be made as speedily as possible. I would therefore request that a voucher be transmitted by your Commission for the amount stated, viz., \$29,537.23, divided as between Contracts 3 and 4 in such proportion or specific amounts as you may determine, and that such amounts be charged against code C. C. M. 322 and code C. C. M. 422, to be provided by transfer from the remaining unencumbered balances of appropriations of corporate stock for the purpose of Contract 3 and of Contract 4; or, that, you make a requisition on the Board of Estimate and Apportionment for subauthorizations from said remaining unencumbered balances of appropriations of corporate stock for Contract No. 3 and for Contract No. 4 in such amounts as in the aggregate would provide for the liquidation of the claim by the payment of the vouchers prepared and transmitted by your Commission."

The Transit Commission believes that the amount indicated as a basis of settlement is fair and proper and accordingly hereby requests your Honorable Board to set aside as a sub-authorization from the appropriations heretofore made for the purposes of carrying out the Contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and the Interborough Rapid Transit Company, known as Contract No. 3, the sum of twenty-nine thousand five hundred thirty-seven dollars and twenty-three cents (\$29,537.23) to be utilized in liquidation of such settlement.

A voucher in favor of the Frederick Snare Corporation (the present name of the Snare and Triest Company, as changed by law), for the sum of twenty-nine thousand five hundred thirty-seven dollars and twenty-three cents (\$29,537.23) will be transmitted to the Department of Finance co-incidentally with the transmission of this request to your Board.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1141—R. T. 7685

Rapid Transit Railroads—Communication from Committee on Transportation Facilities of Board of Estimate and Apportionment Requesting Access to Traffic and Service Records—Referred to Chairman

The following communication from the Committee on Transportation Facilities of the Board of Estimate and Apportionment was referred to the Chairman:

August 17, 1923.

THE TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Gentlemen:

Pursuant to the provisions of a Board of Estimate and Apportionment resolution, dated July 13, 1923, the Committee on Transportation Facilities is conducting observations of the traffic and service on the rapid transit and surface lines in New York City.

In connection with this work this Committee is desirous of obtaining certain information from the traffic and service records, periodically for a number of years past, on file in the Transit Commission relative to rapid transit operation.

This Committee has designated Mr. Frank Bennett as Chief Supervising Transit Inspector for the Committee and it is requested that your Transit Bureau cooperate with Mr. Bennett in providing him access to the required information.

Very truly yours,
ARTHUR S. TUTTLE,
Acting Chairman.

**Bus Line Operation—Communications to Mayor of The City of New York
and Board of Estimate and Apportionment Approved**

The Acting Secretary presented a copy of a communication, dated August 11, 1923, signed by the Chairman to the Mayor of the City of New York, reading as follows:

August 11th, 1923.

Hon. JOHN F. HYLAN,
Mayor, and Chairman of the
Board of Estimate and Apportionment,
City Hall,
New York City.
Sir:

There is an apparent certainty that the various bus lines affected by the recent judgment of the Court of Appeals, unless given legal permission to operate, will shortly be discontinued; and the large number of citizens who have been led to depend upon these lines for their daily transportation, put to great inconvenience. The Court of Appeals has held, as it has held before, that the use of the city streets for the operation of buses, without a franchise granted by the Board of Estimate and Apportionment and without the State's Certificate of Convenience and Necessity, is unlawful. It has held further, in the present case, that the use of City funds for the support of any system of supervision of private bus operation is unlawful.

These judgments are now part of the law of the State and are bound to be enforced. In the view of the Transit Commission too much stress has been laid upon the personal intention of the attorney for the plaintiff in the present matter, to serve or not to serve copies of the Court's order upon any of the parties to whom it is directed. It is clearly in the interest of that part of the traveling public affected by the decision to face the facts with greater frankness—to recognize that a judgment interpreting and fixing the law of the State, cannot be disregarded by any one bound by the law, and that the Court itself would be concerned in any agreement by whomsoever made to set aside or flout its action.

The Transit Commission finds, as a result of checks made by its inspectors, that the bus lines now in jeopardy carry an average of 120,000 single-fare passengers per day. Most passengers ride both ways, but allowing a fair margin for one-way rides, it is estimated that, in all, about 70,000 persons use the lines daily. Although, upon these figures, these passengers form but a sixtieth part of the city's daily transit traffic, they certainly are sufficient in number to be entitled to grave consideration. Deprivation, even for a brief while, of the riding privileges they now enjoy would be something of a calamity. As the ruling of the Court is not that these buses must stop running, but solely that they must stop running illegally, and as the means for putting them legally in operation are provided in existing law, there seems to be no reason why there should be a day's cessation in the service they give. There can be little doubt that a stay of the action of the order of the Court could be secured, if assurance were given that action will now be taken, and the formal machinery set in motion for the issuance of *bona fide* permits to the existing operators or, where by any chance they are no longer available, to other operators.

Assuming that in one way or another the ruling of the Court upon the law in the matter will, indeed, be enforced, the Transit Commission wishes to assure you, and, through you, the Board of Estimate, that if short-term franchises are now granted by your Board covering the lines in question, upon such terms and conditions as your Board may see fit to fix, appropriate Certificates of Convenience and Necessity will be issued by the Commission within the shortest time possible; that is, within approximately a week following the date or dates of your own final action.

The Commission assumes that your Board will prefer to limit the franchises it now grants to terms short enough to permit the early introduction of other methods of operation, if that proves practicable; or, in any event, to keep the ultimate disposition and control of the routes in question within your own hands.

The Commission suggests that, in order to avoid any danger whatever of the stoppage of the lines, or even of their temporary stoppage and, at the same time, to maintain the complete future liberty of action, both of the Board of Estimate and the

Mayor, each of the bus franchises granted contain, among other provisions, the following:

(1) That the right to operate be continued only during the pleasure of the Board of Estimate and Apportionment; that it be revocable upon thirty (30) days' notice by the Board to the operator, and that it shall in no event extend beyond a term of six (6) months.

(2) That the franchise in each case be non-exclusive; that is, that the Board of Estimate and Apportionment retain the right to grant to any other person or corporation a similar right and privilege, upon the same or other terms, and over the same streets or other public places.

(3) That every such franchise be non-assignable, without the consent of your Board; that is, that the grant be made only to the operator receiving it, without right to transfer, assign or sublet to any other person or corporation without such consent, and that no issues of the stock of any corporation or company receiving a franchise be transferred or sold without your consent.

(4) That the rate of fare be fixed at five cents.

(5) That the operator be required to pay to the City Treasurer, as compensation for his privileges, five (5%) per centum of the gross amount of his fare receipts, in each year.

(6) That the buses used in operation conform to whatever standards your Board may see fit to establish, with relation to carrying capacity, type of construction or equipment.

The Commission assumes that it is desirable that, at least for the limited periods such franchises would cover, the present operators of the buses be continued, provided they accept such terms. In the case of the Bronx Concourse Line, one of the most important of those affected by the recent litigation, this course has already been followed, a franchise having been given to the existing operator on April 24th, limited to three months and, later, extended for six. In this instance, the Transit Commission held the public hearing required by law, and issues its Certificate of Convenience and Necessity, in six days after the granting of the franchise and within two days of the separate approval of such franchise by the Mayor.

The operators of the lines still without franchises include some individuals of undoubtedly high financial standing; but in the majority of cases the buses are run by individual owners who have invested their savings in them, who know the routes and who are well qualified to continue at least as good service as has been given. These operators, we understand, have expressed their willingness to form a company or companies to take legal franchises, to pool their equipment, and to assume whatever financial or other conditions the Board of Estimate may impose upon them. We assume that there is no reason why these small owners should not be encouraged to combine their resources in this fashion and to make a fair business proposition to the City, or why the City, even upon a temporary or emergency basis, should not desire their continued service.

Action taken, under such a policy, to continue the running of the buses could, of course, in no way affect the future control or exercise by the Board of Estimate, of the franchise-granting power. Under the forms suggested the short-term franchises given would be, in a sense, self-revoking; they could run only for as brief a term as the Board of Estimate may grant, and would be subject to renewal only upon similar conditions. They would give the operators no exclusive rights in the street they use, and they could be transferred to no other operator. They would, however, save the existing situation.

The questions raised at the time of the publication of the decision of the Court of Appeals had to do entirely with the continued running of the buses. They concerned nothing else, in fact, for the reason that the decision changed or affected nothing else. The running of the buses continues to be the pressing question.

To establish and set up a different kind of operation, even if that effort were successful, would take some time. To get such a system into operation would take still longer. But it is obvious that while the City waited for decisions upon these questions the buses, under the order of the Court, would stop. Either to permit or to compel them to stop, while there is an abundance of law to keep them going, would impose a severe and unnecessary hardship upon the people who use them.

That this may be avoided, the Commission urges very earnestly that your Board give the existing bus operators, or such others as you may substitute, legal permission to continue.

With renewed assurance of the Commission's readiness to proceed immediately with the issuance of its own Certificates, I am,

Respectfully,
 GEORGE McANENY,
 Chairman.

The Acting Secretary also presented a copy of a proposed communication, dated August 20, 1923, to be signed by the Chairman and addressed to the Board of Estimate and Apportionment of the City of New York, reading as follows:

August 20th, 1923.

To the Honorable
 THE BOARD OF ESTIMATE AND APPORTIONMENT
 OF THE CITY OF NEW YORK
 Municipal Building
 New York City.

Sirs:

On behalf of the Transit Commission I am presenting herewith copy of a letter addressed to the Mayor, as Chairman of your Board, under date of August 11th, urging that your Board grant to the operators of the various bus lines affected by the recent decision of the Court of Appeals the necessary legal authority to continue their service. The Commission urges, as a matter of public necessity, that action be taken upon its suggestions at your next meeting.

The Transit Commission is charged by law—Section 5-a of Chapter 48 of the Consolidated Laws—"with jurisdiction and supervision over all * * * stage or omnibus lines or routes" lying within the city limits. Although the omnibus lines in question have not as yet been given a legal status, the Commission recognizes that, so far as they go, they are fulfilling a public need; and that they have contributed toward the relief of the generally congested transit situation with which it is dealing. It is part of the concern of the Commission, therefore, that the lines in question continue to give the service they are giving, without change or interruption, at least until something better is put in their place.

Under the law the Commission has the power to issue certificates of "Convenience and Necessity," permitting legal operation, and it is quite prepared to exercise such power. Its certificates, however, are of no value unless the Board of Estimate and Apportionment has previously granted a right for the use of the streets or other public places to be traversed, and until it has fixed terms upon which operation may proceed.

In the communication addressed to your Board through the Mayor it has pointed out that in some way or other the decision of the Court, forbidding the operation of the buses without legal authorization, is bound to be enforced and may be at any moment. The judgments in question are now part of the law of the State, binding upon public officials and private operators alike, and any effort to avoid them will be hazardous.

The provisions of the City Charter relating to buses give the Board of Estimate and Apportionment abundant authority to keep the present buses running and to limit their operating rights in whatever fashion the Board may elect. The Commission in its letter has, therefore, suggested that the present operators be permitted to continue for terms not to exceed six months and under rights revocable, at any time within such period, upon thirty days' notice. In order that your Board may retain complete control over the future use of the routes in question, reserving them either for municipal operation or otherwise, as it may see fit, it is also suggested that the rights granted the present operators be non-exclusive and non-assignable. It will be impossible under such terms for the present operators to continue to exercise their rights beyond the maximum period fixed, or to assign or transfer their privileges to any other owners or operators, corporate or individual.

The Commission finds that all the terms it proposes have already been incorporated in substance in the permission to operate granted by your Honorable Board to Emil Leindorf, the owner of the Bronx Concourse Line, under date of May 1st last. The Concourse line is one of the most important of those affected by the recent litigation. Its position at the time of the grant of the rights in question was exactly that of the other lines the decision of the Court of Appeals affects. The Commission granted its certificate in this case six days after your Board had acted, and two days after the requi-

site separate approval of the Mayor had been given. The Commission assumes that what was done for the benefit of the people served by the Concourse Line, and for the benefit of the operator, may be done with equal propriety in the case of any of the operators to whom necessary rights have not as yet been given. It understands that various applications for short-term rights, asked, presumptively, upon terms similar to those granted the Bronx Concourse Line, have been presented to your Board by the other operators, either as individuals or in groups, and that such applications, having been referred to your Bureau of Franchises, are still awaiting action. There seems to be no doubt that the present operators, practically without exception—all of whom have been operating under the informal authority heretofore given by your Board and under its encouragement—are willing and anxious to continue their service.

There has been apparently some official misunderstanding of the number of passengers the buses affected by the decision now carry. In a tabulation prepared, we understand, by the City Department that has had to do with the supervision of the lines in question, published on July 19th, the total of single-fare passengers carried is stated to be 225,800. Systematic counts and checks made by the Transit Bureau of the Commission show that instead 110,858 single-fare passengers are carried each day. Assuming that most of these represent two trips daily usually taken by each passenger—but allowing a margin of 5,000 to represent the one-way or casual riders—the total number of persons accommodated daily appears to be approximately 60,000.

The Commission submits for your information, attached hereto, comparative tables showing the results of the counts made by its inspectors during October, 1922, and during July and August, 1923, compared in detail with the published estimates to which reference has been made. It is, however, clear that, although the number of riders affected is less than one-half of the published figure, it represents a body of riders sufficiently great to command the considerate attention both of your Board and of the Transit Commission.

As there is no reason for interrupting the service upon which these riders have been led to depend, either during the discussion of proposed legislative measures or otherwise, and as the appropriate form of relief has already been fixed and recognized by your Board in the granting of temporary rights to the Bronx Concourse Line, the Commission trusts that your action upon its suggestions will be favorable. It repeats its assurance of prompt action, wherever necessary, upon its own part.

Respectfully Submitted,

TRANSIT COMMISSION

By GEORGE McANENY,
Chairman.

Thereupon the above-mentioned communications were approved and ordered filed.

1143—R. T. 7690

Routes Nos. 70-A-1 and 70-B—Report by Chief Engineer Submitting Tentative List of Proposed Stations for North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route and Manhattan Avenue-Roebing Street and Bedford Avenue Route—Resolution Directing Public Hearing

A report was presented from the Chief Engineer, dated August 13, 1923, submitting a tentative list of proposed stations for the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route and Manhattan Avenue-Roebing Street and Bedford Avenue Route.

The following resolution was adopted:

Whereas, In connection with the proposed rapid transit railroads along the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A-1 and the Manhattan Avenue-Roebing Street and Bedford Avenue Route, Borough of Brooklyn, Route No. 70-B, the Chief Engineer of this Commission, in a communication dated August 13, 1923, has submitted for the consideration of this Commission a tentative list of proposed stations as follows:

Street Along Which Route Passes	Location of Station	Approximate Distance Center to Center
North Jane Street.....	The Boulevard to Marion St.....	1650 Ft.
	William St. to Prospect St.....	2700 Ft.
Jackson Ave.	Nott Ave. to Pearson St.....	2500 Ft.
	6th St. to 4th St.....	3400 Ft.
Manhattan Ave.	Dupont St. to Freeman St.....	2050 Ft.
	Greenpoint Ave. to Noble St.....	2400 Ft.
	Nassau Ave. to Driggs Ave.....	3200 Ft.
Roebling St., Wmsbg. Bridge Plaza & Crossing private property	No. 7th St. to N. 5th St.....	2250 Ft.
	Williamsburg Bridge Plaza.....	1700 Ft.
	Lee Ave. to Bedford Ave.....	2350 Ft.
	Bedford Ave. Lynch St. to Flushing Ave.	2000 Ft.
	Myrtle Ave. to Willoughby Ave.....	2100 Ft.
	Lexington Ave. to Lafayette Ave.....	1800 Ft.
	Putnam Ave. to Hancock St.....	

Resolved, That a public hearing upon such proposal be held by and before the Commission at its office No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 11th day of September, 1923 at eleven o'clock (11:00) A. M. and that the Secretary of this Commission take such steps as may be necessary to give notice to the general public of the said public hearing.

1144—R. T. 7691

Route No. 78—Report by Chief Engineer Submitting Tentative List of Proposed Stations for Central Park West, Manhattan Avenue and St. Nicholas Avenue Route—Resolution Directing Public Hearing

A report was presented from the Chief Engineer, dated August 13, 1923, submitting a tentative list of proposed stations for the Central Park West, Manhattan Avenue and St. Nicholas Avenue Route.

The following resolution was adopted:

Whereas, In connection with the proposed rapid transit railroad along the Central Park West-Manhattan Avenue-St. Nicholas Avenue Route, Route No. 78, the Chief Engineer of this Commission, in a communication dated August 13, 1923, has submitted for the consideration of this Commission a tentative list of proposed stations as follows:

Street Along Which Route Passes	Location of Station	Approximate Distance Center to Center
Central Park West.....	65th St. to 67th St.....	2000 Ft.
	72nd St. to 74th St.....	1900 Ft.
	79th St. to 81st St.....	1900 Ft.
	86th St. to 88th St.....	2600 Ft.
	96th St. to 98th St.....	2600 Ft.
	106th St. to 108th St.....	2750 Ft.
Manhattan and St. Nicholas Aves.	116th St. to 118th St.....	2400 Ft.
	125th St. to 127th St.....	2700 Ft.
	135th St. to 137th St.....	2700 Ft.
	145th St. to 147th St.....	2700 Ft.
	155th St. to 157th St.....	

[August 20, 1923]

Resolved, That a public hearing upon such proposal be held by and before the Commission at its office No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 11th day of September, 1923 at eleven o'clock (11:00) A. M. and that the Secretary of this Commission take such steps as may be necessary to give notice to the general public of the said public hearing.

1145—R. T. 7591

Routes Nos. 70-A-1 and 70-B—Report by Chief Engineer Recommending That Brooklyn Crosstown Line Be Constructed as Two-Track Route on Westerly Side of Street and That Structure Be Designed for Ten-Foot Type of Car—Approved

The following report by the Chief Engineer was approved:

August 20, 1923.

To the TRANSIT COMMISSION.

Routes Nos. 70-A-1 and 70-B—Brooklyn Crosstown Line.

Preliminary work is being done as rapidly as possible so that construction contracts for Routes Nos. 70-A-1 and 70-B may be gotten out at the earliest possible date. In connection therewith, it is important that a decision be had as to the exact location of stations, as without this, but little progress can be made.

I transmitted to you on August 13th plans showing a suggested location for the stations on this line. I respectfully urge that action be taken fixing the locations at the earliest possible moment.

It has been informally understood that only two tracks of these lines are to be built at once and that two tracks are to be constructed in the future. It is necessary, therefore, to decide as to which two of the four tracks are to be constructed at once. There are three principal alternatives for this:

- (1) The two westerly tracks.
- (2) The two easterly tracks.
- (3) The two center tracks.

There does not appear to be any advantage in constructing the two center tracks inasmuch as such a location does not lend itself so readily to the addition later of other tracks as very much more reconstruction would be involved therein. There remains, therefore, the choice of the easterly or westerly location. For immediate advantage, it appears desirable to construct the westerly tracks because of the better location of the station at the Williamsburg Bridge Plaza. I therefore believe that this location should be chosen. It is also necessary to decide on the type of car for which the new subway should be planned.

The present subways operated by the Interborough are designed for cars 9 feet wide and about 50 feet long. The subways operated by the B. M. T. have been designed for cars 10 feet wide and about 66 feet long. In order to permit of the greatest liberty of action in the future, it appears desirable to design the subways now contemplated so as to provide for the largest cars now in use. I therefore recommend that the subway be designed for the type of cars now operated by the B. M. T.

Summarizing, therefore, I respectfully Recommend, That you approve of

- (1) Construction of two tracks of Routes Nos. 70-A-1 and 70-B.
- (2) Construction of Routes Nos. 70-A-1 and 70-B on the westerly side of the street.
- (3) That the structure be designed for the 10-foot type of car now operated by the B. M. T.

ROBT. RIDGWAY,
Chief Engineer.

1146—R. T. 7661

Route No. 78—Report by Chief Engineer Recommending That Central Park West, Manhattan Avenue and St. Nicholas Avenue Route Be Constructed as Two Track Line on Westerly Side of Route and That Structure Be Designed for Ten Foot Type of Car—Approved

The following report by the Chief Engineer was approved:

August 20, 1923.

To the TRANSIT COMMISSION.

Route No. 78—Central Park West-St. Nicholas Avenue Line.

Preliminary work is being done as rapidly as possible so that construction contracts for Route No. 78 may be gotten out at the earliest possible date. In connection therewith, it is important that a decision be had as to the exact location of stations, as without this, but little progress can be made.

I transmitted to you on August 13th plans showing a suggested location for the stations on this line. I respectfully urge that action be taken fixing the locations at the earliest possible moment.

It has been informally understood that only two tracks of this line are to be built at once and that two tracks are to be constructed in the future. It is necessary, therefore, to decide as to which two of the four tracks are to be constructed at once. There are three principal alternatives for this:

- (1) The two westerly tracks.
- (2) The two easterly tracks.
- (3) The two center tracks.

It would appear desirable to construct the two westerly tracks for the following reasons: There is at present a battery of six 48-inch water mains located on the east side of Central Park West between 97th and 106th Streets, one such main between 62nd and 85th Streets and two between 85th and 90th Streets. On the west side, there is only one main varying from 20 to 36 inches, but mostly 30 inches. If the westerly tracks were constructed, the large water mains on the east side would be mostly beyond the limits of construction. Furthermore, along St. Nicholas Avenue, the structure between 130th and 141st Streets would be adjacent to St. Nicholas Park so that underpinning of buildings would be avoided for that distance.

A rock profile of Central Park West indicates that very little underpinning would be required even if the tracks were located on the west side of that street. It would be more objectionable to the adjacent inhabitants than if the easterly pair of tracks or the center tracks were constructed. There is, however, so great an advantage in avoiding the water mains that I recommend that the westerly tracks be constructed.

The location in the center of the street does not lend itself so readily to the addition later of other tracks, as very much more reconstruction would be involved thereunder. Furthermore, at least two of the large water mains would have to be supported. It should therefore not be considered.

The present subways operated by the Interborough are designed for cars 9 feet wide and about 50 feet long. The subways operated by the B. M. T. have been designed for cars 10 feet wide and about 66 feet long. In order to permit of the greatest liberty of action in the future, it appears desirable to design the subways now contemplated so as to provide for the largest cars now in use. I, therefore, recommend that the subway be designed for the type of cars now operated by the B. M. T.

Summarizing, therefore, I respectfully
Recommend, That you approve of

- (1) Construction of two tracks of Route No. 78.
- (2) Construction of Route No. 78 on the westerly side of the street.
- (3) That the structure be designed for the 10-foot type of car now operated by the B. M. T.

ROBERT RIDGWAY,
Chief Engineer.

1147—R. T. 7522

Agreement "CM"—Resolution Approving Sureties Upon Bond in Sum of \$4,000 Deposited by Contractor as Security for Changes in Railroad Structure to Permit Raising of Grade of North Jane Street, Borough of Queens—Adopted

The following resolution was adopted:

Resolved, that the Aetna Casualty and Surety Company of Hartford, Connecticut, and the National Surety Company of New York City, be and hereby are approved as sureties upon the bond in the sum of Four thousand (\$4,000) Dollars deposited by Hamme & Jackson, Inc., as security for the faithful performance of the contract for changes in the railroad structure east of the Boulevard so as to permit the raising of the grade of North Jane Street, Borough of Queens, Agreement "CM", each of said sureties being held and bound in the sum of Two thousand (\$2,000) Dollars.

1148—R. T. 7457

Route No. 18—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Changes in Vertical Leaders Under Contract for Construction of Inspection Shed Enclosure at 180th Street Yard—Approved.

A report was presented from the Chief Engineer, dated August 15, 1923, recommending the establishment of a supplementary schedule item as described below.

The following resolution was adopted:

Whereas, the Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated June 26, 1922 between the City of New York acting by the Transit Commission and Rosenthal Engineering Contracting Company, for the construction of the Inspection Shed Enclosure in the 180th Street Yard of the White Plains Rapid Transit Railroad, Route No. 18, having, subject to the approval of the Commission, agreed with the said contractor on the following schedule item:

Item No. 768-C For making changes in vertical leaders as shown by revision, dated July 10, 1923, of drawing No. 1019, file No. 2801-Y, the sum of Two thousand ninety-five Dollars (\$2095.00).

Resolved, that such action on the part of the Chief Engineer be and hereby is approved.

1149—R. T. 7368

Contract No. 3—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Installing Electric Conduit under Contract for Second Addition to Shops at Lenox Avenue and 148th Street Yard—Approved

A report was presented from the Chief Engineer, dated August 17, 1923, recommending the establishment of a supplementary schedule item as described below.

The following resolution was adopted:

Whereas, the Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated May 23, 1922 between the City of New York acting by the Transit Commission and Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops, Lenox Avenue and 148th Street Yard, Contract No. 3, having, subject to the approval of the Commission, agreed with the said contractor on the following Schedule Item:

Item No. 32-(g) For furnishing and installing complete 2½" wrought iron or steel electric conduit, the sum of One and 70/100 Dollars (\$1.70) per linear foot.

Resolved, that such action on the part of the Chief Engineer be and hereby is approved.

1150—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase and Installation of Additional Piping and Regulating Valves in Connection with Additional Boilers in 59th Street Power Station—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated July 31, 1923, requesting approval to the purchase and installation of additional piping and regulating valves between the bleeder connections on turbines Nos. 7, 8 and 12 and the auxiliary exhaust system in connection with the new boilers in the 59th Street Power Station at an estimated cost of \$2,000.

A report was presented from Consulting Engineer, Dr. Charles E. Lucke, dated August 11, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad to be performed under Work Order No. IBA-7 heretofore assigned.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922, the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3, consisting of additional units of new equipment and appurtenances and cables to provide additional power, was approved; and

Whereas, By resolution adopted by this Commission November 14, 1922, Work Order No. IBA-7 was assigned thereto; and

Whereas, By resolution adopted by this Commission on July 10, 1923, pursuant to the resolutions aforesaid this Commission approved a proposed contract with the Babcock & Wilcox Company for the manufacture, delivery and installation in the 59th Street Power House of four 1140 H.P. B. & W. Boilers and three B. & W. Super Heaters complete and ready for operation; and

Whereas, By communication dated July 31, 1923 said Interborough Rapid Transit Company pursuant to the resolutions of September 7, 1922 and November 14, 1922 aforesaid have submitted for the approval of this Commission to the purchasing and installation of additional piping and regulating valves between the bleeder connections on turbines 7, 8, 12 and the auxiliary exhaust system at an estimated cost of \$2,000; and

Whereas, The Consulting Engineer, Dr. Charles E. Lucke, by communication dated August 11, 1923 has reported that such work is necessary in connection in the installation of the additional new boilers in the 59th Street Power House; that the estimated cost is considered not excessive and recommend the approval of such proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 14, 1923 has recommended that such work be classified as "Additional Equipment" for the Railroad under work Order No. IBA-7 heretofore assigned as aforesaid.

Resolved, That said reports and recommendations be and the same hereby are approved and that the said proposal of Interborough Rapid Transit Company be and the same hereby is approved, such work to be classified as "Additional Equipment for the Railroad" as described in said Contract No. 3 pursuant to Work Order No. IBA-7 heretofore assigned.

1151—R. T. 6761, 7224

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Omission of Items for Suspension Straps and Bolts Under Contract for New Boilers and Superheaters in 59th Street Power Station—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated August 6, 1923, requesting the omission of items for suspension straps and boilers in the contract with Babcock and Wilcox Company, for the manufacture, delivery and installation of new boilers and superheaters in the 59th Street Power House, making a reduction in the contract of the sum of \$858.

A report was presented from Consulting Engineer, Dr. Charles E. Lucke, dated August 14, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922 the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, Pursuant to said authority this Commission by resolution adopted July 10, 1923, approved the proposed contract between the Interborough Rapid Transit Company and Babcock & Wilcox Company for the manufacture, delivery and installation in the 59th Street Power House of four 1140 H.P. B. & W. Boilers and three B. & W. superheaters complete ready for installation at the total cost of \$130,583; and

Whereas, Consulting Engineer Dr. Chas. E. Lucke, by communication dated August 14, 1923, has reported that the Interborough Rapid Transit Company by letter dated August 6, 1923 has requested that the items in said proposed contract, approved as aforesaid, covering suspension straps and bolts for said new boilers be omitted from said proposed contract reducing the cost under said proposed contract \$858.; that the structural changes made by the Interborough Company which were necessary for the installation of the boilers obviated the necessity of suspension straps and bolts since that could be more easily and readily installed by the Interborough Company and recommends the approval of said proposal.

Resolved, That the said report and recommendation be and the same hereby are approved and that said proposed contract as heretofore approved may be modified so as to omit items covering suspension straps and bolts for said four new boilers upon condition that the said total purchase price of \$130,583. shall be reduced by the sum of \$858.

1152—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Three Proposed Contracts for Fire Alarm Signal Service at 180th Street, Jerome Avenue and Pelham Inspection Barns—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated August 1, 1923, requesting approval of three proposed contracts with National District Telegraph Company for the renting of fire alarm signal service at the 180th

Street, Jerome Avenue and Pelham inspection barns for a period of five years at a total cost of \$1,395.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated August 11, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs recommending that the cost be charged to operating expense.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated August 1, 1923 has submitted for the approval of this Commission three identical proposed agreements each dated July 2, 1923 between said Interborough Rapid Transit Company and National District Telegraph Company for the renting of fire alarm signal service at three inspection barns of the Railroad as defined in said Contract No. 3 for a period of five years at a total cost of \$1,395 for the full period; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated August 11, 1923 reported that the details as to the proposed agreements are given in the following table:

Location	Annual Rental	Beginning of Term
180th St. White Plains Rd....	\$75	8/1/23
Jerome Ave.	75	7/1/23
Pelham	129	6/1/23

; that such agreements are substantial duplicates of the previous agreements for similar service at the same locations as approved by the Transit Construction Commissioner on July 17, 1919; that the availability of such service is considered by fire insurance companies to be of such value as to reduce the fire insurance premiums by an amount considerably in excess of the costs of the service and recommend the approval of said proposed agreements; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 15, 1923 has recommended that the cost of such service be charged to operating expense; and

Whereas, The Counsel to this Commission has examined said proposed agreements and finds no objection thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed contracts so submitted be and the same hereby are approved upon condition that the cost of carrying out said proposed contracts shall be charged to operating expense.

1153—R. T. 7267

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase of Fire Insurance on 59th Street and 74th Street Power Houses—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 1, 1923, requesting approval of the purchase of fire insurance in the sums of \$15,000,000 for the 59th Street Power House and \$9,700,000 for the 74th Street Power House for a period of five years at an approximate cost of \$126,780.

A report was presented from the Acting Engineer of Equipment and Operation

and the Chief Engineer dated August 20, 1923, stating that the amount is reasonable and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the cost as Operating Expense.

The following resolution was adopted, Commissioner Harkness not voting:

Whereas, pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, and pursuant also to the provisions of the Certificate dated March 19, 1913, granted to said Interborough Rapid Transit Company for elevated extensions, said Interborough Rapid Transit Company by communication dated August 1, 1923, has submitted to this Commission for approval its proposal to purchase the following insurance:

"\$15,000,000 insurance on the 59th Street Power House building and contents thereof, excluding storehouse; as a charge against Operation, Contract No. 3.

9,700,000 insurance on the 74th Street Power House building and contents thereof; as a charge against Operation, Elevated Extension Certificate. at a cost of not to exceed \$126,780 for five years insurance."

which proposal has been caused to be designated "Approval No. 499"; and

Whereas, the Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated August 20, 1923 reported that the amount of insurance is reasonable, the rate proper and recommend approval of said proposal; and

Whereas, the Auditor of Rapid Transit Costs by endorsement recommended that the cost of such proposals be classified as Operating Expense.

Resolved, that said reports and recommendations be and the same hereby are approved; that the said proposal so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized to execute the form of approval of this Commission made part of said proposal.

1154—R. T. 7103

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Extension of Floor Space for Mechanical Department at 148th Street Shops—Report by Assistant Chief Accountant and Chief Engineer Recommending Approval, Classifying Work and Assigning Work Order No. 1CqA-9—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated July 30, 1923, requesting approval to the expenditure of approximately \$1,860 for the proposed extension of the floor space for the mechanical department of the 148th Street Shops.

A report was presented from the Assistant Chief Accountant and the Chief Engineer dated August 18, 1923, recommending that the application be approved and classifying the work as Additions to Existing Equipment and assigning Work Order No. 1CqA-9 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by communication dated July 30, 1923, signed by Frank Hedley, President and General Manager, has requested the approval of this Commission to the expenditure of approximately \$1,860 for the proposed extension of floor space for the mechanical department of the 148th Street shops as a charge to Additional Equipment as defined in said Contract No. 3; and

Whereas, The Assistant Chief Accountant and the Chief Engineer of this Commission by communication dated August 18, 1923, have reported that the work proposed

is necessary in order to handle the increased amount of work passing through said shops and consists of (1) moving the carpenter shop from the extreme easterly end of the present machine shop to the easterly end of track No. 10 of the inspection shed to make available space for machine shop extension, (2) installation of approximately 48 feet of steel lattice work with hangers and shafting along the walls and ceiling of the machine shop and approximately 48 feet of counter shaft beams; that the estimated cost of \$1,860 is reasonable and recommend

- "(1) That the cost of installing the steel lattice work with necessary hangers, shafting and counter shaft beams be classified as Additions to Existing Equipment and that Work Order Number ICqA-9 be assigned thereto.
 (2) That the cost of removing the carpenter shop from its existing location to the easterly end of track No. 10 of the inspection shed be charged to Operating Expenses."

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company be and the same hereby is approved upon condition (1) that the cost of installing the steel lattice work with necessary hangers, shafting and counter shaft beams be classified as Additions to Existing Equipment and as to which this Commission assigns Work Order No. ICqA-9, and (2) that the cost of removing the carpenter shop from its existing location to the easterly end of track No. 10 of the inspection shed shall be charged to Operating Expenses.

1155—R. T. 6556

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Installation of Sewer Connections at Avenue U and Kings Highway Stations of Sea Beach Line—Report by Auditor of Rapid Transit Costs, Assistant Chief Accountant and Chief Engineer Recommending Approval, Classifying Work and Assigning Work Order No. MCR-19—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated August 2, 1923, requesting approval to the installation of sewer connections at the Avenue U and Kings Highway Stations of the Sea Beach Line at an estimated cost of \$319.91 and \$217.78 respectively.

A report was presented from the Auditor of Rapid Transit Costs, the Assistant Chief Accountant and the Chief Engineer dated August 14, 1923, recommending that the application be approved, that the work be classified as a Replacement and that Work Order No. MCR-19 be assigned thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract, dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has requested the approval of this Commission to the installation of sewer connections at the Avenue U and Kings Highway Stations of the Sea Beach Line of the Existing Railroads, as defined in said Contract No. 4 at an estimated cost of \$319.91 for the Avenue U Station and \$217.78 for the Kings Highway Station, and

Whereas, The Auditor of Rapid Transit Costs, the Assistant Chief Accountant and the Chief Engineer in a joint communication, dated August 14, 1923, have reported that the toilet rooms at said stations are now connected with cesspools, no sewers being available at the time the stations were constructed; that the proposed connections are considered desirable from an engineering standpoint; that the estimated costs are reasonable and recommend the approval of said proposal upon the following conditions:

- "(1) That the original cost of the cesspools (estimated at \$150) be retired from Fixed Capital and an amount equal to that original cost be held available in the Depreciation Fund for Existing Railroads for expenditures on new construction or new equipment as a replacement.

(2) That the cost of providing and installing the sewer connections at Avenue U and Kings Highway Stations on the Sea Beach Line be provided out of that portion of moneys of the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from service; that it be classified as a Replacement and Work Order Number MCR-19 be assigned thereto."

Resolved, That said report and recommendations be and the same hereby are approved, that said proposal of the New York Rapid Transit Corporation be and the same hereby is approved upon the following conditions:

1. That the original cost of the cesspools (estimated at \$150) shall be retired from Fixed Capital and an amount equal to that original cost shall be held available in the Depreciation Fund for Existing Railroads for expenditures on new construction and new equipment as a replacement.

2. That the cost of providing and installing the sewer connections at said Avenue U and Kings Highway Stations of the Sea Beach Line of the Existing Railroads as defined in said Contract No. 4 shall be provided out of the portion of moneys of the "Depreciation Fund for Existing Railroads" which has been made available by retirements from service, which work is hereby classified as a Replacement and as to which this Commission assigns Work Order Number MCR-19.

1156—R. T. 7333

New York, Westchester and Boston Railroad Company—Application by Graham, McMahon, Buell and Knox for Approval of Drawing for Modification of Passageway Between New Station of New York, Westchester and Boston Railroad Company and the 133rd Street Station of Manhattan Elevated Railroad—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Graham, McMahon, Buell and Knox dated August 7, 1923, requesting approval of a proposed drawing modifying the proposed passageway between the new station of the New York, Westchester and Boston Railroad Company and the 133rd Street Station of the Manhattan Elevated Railroad.

A report was presented from the Chief Engineer dated August 18, 1923, stating that the drawing is satisfactory and recommending that it be approved.

The following resolution was adopted:

Whereas, By resolution adopted December 24, 1918 the Public Service Commission for the First District, pursuant to the provisions of the certificate dated March 19, 1913 granted by said Commission to Manhattan Railway Company for additional tracks and facilities, approved a proposed contract between Manhattan Railway Company, Interborough Rapid Transit Company, Harlem River and Portchester Railroad Company, The New York, New Haven and Hartford Railroad company and New York, Westchester and Boston Railroad Company, providing for direct physical connection between the 133rd Street Station of the Manhattan Elevated Railroad Company in the Borough of The Bronx, City of New York; and

Whereas, By resolution adopted December 31, 1918 the said Public Service Commission for the First District approved Contract Drawing No. 5654 showing proposed walkway between the Willis Avenue Station of the New York, Westchester and Boston Railway Company and the 133rd Street Station of the Third Avenue Elevated Line submitted by Interborough Rapid Transit Company; and

Whereas, By communication dated August 7, 1923, Graham McMahon, Buell and Knox, as Attorneys for the New York, Westchester and Boston Railroad Company, have submitted for the approval of this Commission a proposed drawing entitled: N.Y.W. & B. Ry., N.Y.N.H. & H.R.R., Plan showing proposed 133rd Street Station, Harlem River, Borough of The Bronx, New York City, dated April 28, 1923 and revised July 6, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated August 18, 1923, reports that said plan indicates a relocation of the proposed new station of the New York, Westchester and Boston Railroad Company so as to be nearer to the

133rd Street Station of the elevated railroad and the shortening of the proposed passageway; that it is satisfactory from an engineering standpoint and recommends the approval of said drawing,

Resolved, That said report and recommendation aforesaid be and the same hereby is approved and that said drawing so submitted be and the same hereby is approved.

1157—R. T. 6694, Gen. 1772

Contract No. 3—Application by Interborough Rapid Transit Company for Extension of Time to November 15, 1923, within Which to Complete Plans, Specifications and Estimate of Cost for Installation of Complete Signal System on One Mile of Local Elevated Track—Motion Directing Company to Comply with Order, by September 1, 1923

An application was presented from the Interborough Rapid Transit Company, dated August 7, 1923, requesting an extension of time to and including November 15, 1923, within which to complete plans, specifications and estimate of cost for installing a complete speed control system of signals with automatic stops on one mile of local track on the elevated railroads.

Upon motion duly seconded, it was directed that the Company be notified to comply with the provisions of the order on or before September 1, 1923, otherwise steps will be taken to institute the necessary proceedings for the enforcement of the Order.

1158—R. T. 6695, Gen. 1772

Contract No. 4—Application by New York Rapid Transit Corporation for Extension of Time of Six Months from August 15, 1923, within Which to Complete Plans, Specifications and Estimate of Cost for Installation of Complete Signal System on One Mile of Local Elevated Track—Motion Directing Company to Comply with Order, by September 1, 1923

An application was presented from the New York Rapid Transit Corporation dated August 13, 1923, requesting an extension of time of at least six months from August 15, 1923, within which to complete plans, specifications and estimate of cost for installing a complete speed control system of signals with automatic stops on one mile of local track on the elevated railroads.

Upon motion, duly seconded, it was directed that the Company be notified to comply with the provisions of the order on or before September 1, 1923, otherwise steps will be taken to institute the necessary proceedings for the enforcement of the Order.

1159—Case 2694

Third Avenue Railway System—Promulgation of Rules to Employees in Case of Accident—Reports Approved—Letter to Company Approved

The Acting Secretary presented:

(1) Communications, dated August 17, 1923, from fifteen (15) companies of the Third Avenue Railway System making application for ten (10) days extension of time within which to notify the Commission whether the Order herein, dated July 17, 1923, was accepted and would be obeyed.

(2) Reports, dated August 8, 1923, by Assistant Counsel Fullen and Chief of

Transit Bureau Daggett, approved by Acting Chief Executive Officer Lucas, recommending that no modification of the Order be granted.

The Commission approved the said reports and directed the Acting Secretary to communicate with the companies advising them of the Commission's action.

1160—R. T. 7591

Route No. 70-B—Certified Copy of Resolution of Board of Estimate and Apportionment and Approval by Mayor Consenting to Construction of Manhattan Avenue, Roebling Street and Bedford Avenue Route—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on August 3, 1923 and approved by the Mayor on August 9, 1923, was ordered filed:

BOARD OF ESTIMATE AND APPORTIONMENT
City of New York

Consideration of the communication, dated May 15, 1923, from the Transit Commission, transmitting route and general plan of construction for an additional rapid transit railway in the Borough of Brooklyn, known as Manhattan Avenue, Roebling Street and Bedford Avenue Route, and requesting the approval and consent of this Board thereto.

See Minutes, May 25, 1923; June 1, 1923; June 8, 1923; June 22, 1923; June 29, 1923; July 13, 1923; August 3, 1923.

Whereas, The Transit Commission has duly determined upon a route or routes and general plan of construction of a rapid transit railway for the conveyance of persons and property, to be established in the City of New York in addition to the already existing lines, and did, by resolution adopted May 15, 1923, adopt such route or routes and general plan, being more particularly known as Manhattan Avenue, Roebling Street and Bedford Avenue Route; and

Whereas, Thereafter said Transit Commission did transmit to the Board of Estimate and Apportionment of the City of New York a copy of the plans and conclusions for such route or routes as adopted, which plans and conclusions were received by said Board of Estimate and Apportionment on the 25th day of May, 1923, at a meeting of said Board of Estimate and Apportionment duly held on said day; and

Whereas, Said Board of Estimate and Apportionment, by a resolution duly adopted at said meeting, did appoint a date not less than one week nor more than ten (10) days after the receipt thereof for the consideration of such plans and conclusions—to wit, the first day of June, 1923, at 2:30 o'clock P. M. and proceeded with and continued said consideration from time to time until August 3, 1923, when said consideration was concluded; and

Whereas, The Transit Commission and the Board of Estimate and Apportionment by resolutions adopted July 10 and July 13, 1923, respectively extended for sixty days from August 1, 1923, the time of the Board of Estimate and Apportionment for the consideration of said route and general plan; and

Whereas, The plans and conclusions are fully set forth in the resolution adopted by the Transit Commission on May 15, 1923, and which resolutions are as follows:

RESOLUTIONS ADOPTED BY THE TRANSIT COMMISSION MAY 15, 1923.

Manhattan Avenue, Roebling Street and Bedford Avenue Route

Borough of Brooklyn.

(Route No. 70-B.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

Route.

A route lying wholly within the Borough of Brooklyn, the center line of which shall begin at a point in Manhattan Avenue at or near Clay Street; thence extending southerly as a subway or tunnel along and under Manhattan Avenue to a point at or near Driggs Avenue; thence curving southwesterly across and under McCarren Park to a point in Roebling Street at or near Union Avenue; thence extending southwesterly, along and under Roebling Street to a point at or near North 4th Street; thence across and under North 4th Street, Metropolitan Avenue and private property to a point in Roebling Street at or near Hope Street; thence continuing southerly along and under Roebling Street to a point at or near the Williamsburg Bridge Plaza; thence along and under the Williamsburg Bridge Plaza to a point in Roebling Street at or near Broadway; thence along and under Roebling Street to a point at or near Lee Avenue; thence southeasterly crossing along and under private property, Wilson Street, private property, Ross Street, private property, Rodney Steet and private property to a point in Bedford Avenue at or near Keap Street; thence southeasterly along and under Bedford Avenue to a point at or near Halsey Street, where a connection can conveniently be made with other proposed rapid transit railroads.

General Plan of Construction.

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other, and substantially on the same level except that wherever required by surface or subsurface structures or other special or local necessities and at stations and curves and for the purpose of avoiding grade crossings and at or near all points of connections with existing or proposed rapid transit railroads, any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary. Generally, the tracks and track structures shall be within the street limits. Where the route changes direction, private property will be required as indicated in the foregoing descriptions.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks where constructed in subway or tunnel may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional tracks for siding accommodations may be constructed not to exceed in length one-half a mile for each mile of railroad.

Stations and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

Mode of Operation.

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

Definitions.

The word "street" wherever used herein shall include an avenue or public place. The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

Maps or Drawings.

It Is Further Resolved, That the four (4) maps or drawings entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 70-B, Manhattan Avenue, Roebling Street and Bedford Avenue Route, Borough of Brooklyn," and further marked "Key Map," and "Sheet No. 1," "Sheet No. 2," and "Sheet No. 3," respectively, all dated May 12, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby are adopted as showing the foregoing route and general plan for convenience merely and that said maps or drawings are not to be

deemed a part of the description of the route or a part of the general plan for any purpose whatever.

TRANSIT COMMISSION,

By JAMES B. WALKER,

Secretary.

May 15th, 1923.

Now, Therefore, Be It Resolved, That the Board of Estimate and Apportionment of the City of New York, by a majority vote according to the number of votes by law pertaining to each member of the Board, hereby approves such plans and conclusions and consents to the construction of a railway or railways in accordance therewith.

A true copy of resolution adopted by the Board of Estimate and Apportionment August 3, 1923.

JAMES MATTHEWS,
Assistant Secretary.

The foregoing resolution is hereby approved.

JOHN F. HYLAN,
Mayor.

Dated, New York, Aug. 9th, 1923.

I hereby certify that the foregoing is a true copy of the original approved resolution as filed in this office.

PETER J. MCGOWAN,
Secretary.

1161—R. T. 7661

Route No. 78—Certified Copy of Resolution of Board of Estimate and Apportionment and Approval by Mayor Consenting to Construction of Central Park West, Manhattan Avenue and St. Nicholas Avenue Route—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on August 3, 1923 and approved by the Mayor on August 9, 1923, was ordered filed:

BOARD OF ESTIMATE AND APPORTIONMENT
City of New York

Consideration of communication, dated May 15, 1923, from the Transit Commission, transmitting route and general plan of construction of an additional rapid transit railway in the City of New York for the conveyance of persons and property, in addition to the already existing lines, being more particularly known as Central Park West, Manhattan Avenue and St. Nicholas Avenue Route, and requesting the approval and consent of this Board thereto.

See Minutes, May 25, 1923; June 1, 1923; June 8, 1923; June 22, 1923; June 29, 1923; July 13, 1923; August 3, 1923.

Whereas, The Transit Commission has duly determined upon a route or routes and general plan of construction of a rapid transit railway for the conveyance of persons and property, to be established in the City of New York in addition to the already existing lines, and did, by resolution adopted May 15, 1923, adopt such route or routes and general plan, being more particularly known as Central Park West, Manhattan Avenue and St. Nicholas Avenue Route and

Whereas, Thereafter said Transit Commission did transmit to the Board of Estimate and Apportionment of the City of New York a copy of the plans and conclusions for such route or routes as adopted, which plans and conclusions were received by said Board of Estimate and Apportionment on the 25th day of May, 1923, at a meeting of said Board of Estimate and Apportionment duly held on said day; and

Whereas, Said Board of Estimate and Apportionment, by resolution duly adopted at said meeting, did appoint a date not less than one week nor more than ten (10) days after the receipt thereof for the consideration of such plans and conclusions—to wit, the first day of June, 1923, at 2:30 o'clock P. M. and proceeded with and continued said consideration from time to time until August 3, 1923, when said consideration was concluded; and

Whereas, The Transit Commission and the Board of Estimate and Apportionment by resolutions adopted July 10 and July 13, 1923, respectively, extended for sixty days from August 1, 1923, the time of the Board of Estimate and Apportionment for the consideration of said route and general plan; and

Whereas, The plans and conclusions are fully set forth in the resolution adopted by the Transit Commission on May 15, 1923, and which resolutions are as follows:

RESOLUTIONS ADOPTED BY THE TRANSIT COMMISSION MAY 15, 1923.

Central Park West, Manhattan Avenue and St. Nicholas Avenue Route.

(Route No. 78.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, this Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

Route.

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point in Seventh Avenue at or near West 59th Street where a connection can conveniently be made with the existing rapid transit railroad; thence curving northwesterly and extending across and under West 59th Street and Central Park as a subway or tunnel to a point in Central Park West at or near West 64th Street; thence extending northerly along and under Central Park West to a point in Central Park West at or near West 109th Street; thence curving northwesterly across and under private property, West 110th street and private property to a point in Manhattan Avenue at or about West 111th Street; thence extending northerly under and along Manhattan Avenue to West 124th Street and St. Nicholas Avenue and thence extending northerly under and along St. Nicholas Avenue to a point at or near West 162d Street, where a connection can conveniently be made with other proposed rapid transit railroads.

General Plan of Construction.

The general plan of construction hereby adopted for the foregoing route is as follows:

For that part of route extending from 7th Avenue and West 59th Street to Central Park West and West 64th Street there shall be two (2) tracks. For the remainder of the route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or subsurface structures or other special or local necessities, and at curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads (and excepting also that along Central Park West, the structure may be constructed as a double-deck structure, for a part or the whole of the distance with two tracks above and two tracks below) any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable, except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to any part of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnel above mentioned shall be of iron or steel with brick

or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks where constructed in subway or tunnel may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of roadway.

Station and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission, in cases of necessity and for such times as may be necessary, permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

Mode of Operation.

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

Definitions.

The word "street" wherever used herein shall include an avenue or public place. The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit

railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

Maps and Drawings.

It Is Further Resolved, That the five (5) maps or drawings entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 78, Central Park West, Manhattan Avenue and St. Nicholas Avenue Route, Borough of Manhattan," and further marked "Key Map," and "Sheet No. 1," "Sheet No. 2," "Sheet No. 3," and "Sheet No. 4," respectively, all dated May 14, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby are adopted as showing the foregoing route and general plan for convenience merely and that said maps or drawings are not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

TRANSIT COMMISSION,

By JAMES B. WALKER,
Secretary.

May 15, 1923.

Now, therefore, be it

Resolved, That the Board of Estimate and Apportionment of the City of New York, by a majority vote according to the number of votes by law pertaining to each member of the Board, hereby approves such plans and conclusions and consents to the construction of a railway or railways in accordance therewith.

A true copy of resolution adopted by the Board of Estimate and Apportionment August 3, 1923.

JAMES MATTHEWS,
Assistant Secretary.

The foregoing resolution is hereby approved.

JOHN F. HYLAN,
Mayor.

Dated, New York, Aug. 9th, 1923.

I hereby certify that the foregoing is a true copy of the original approved resolution as filed in this office.

PETER J. MCGOWAN,
Secretary.

1162—R. T. 7522

Agreement "CM"—Statement as to Execution and Delivery of Original Contract for Changes in Railroad Structure to Permit Raising of Grade of North Jane Street, Borough of Queens—Contract Filed

The Commission ordered filed an original contract dated August 14, 1923, between the City of New York, acting by the Transit Commission, and Hamme & Jackson, Inc., for changes in the railroad structure east of the Boulevard so as to permit the raising of the grade of North Jane Street, Borough of Queens, Agreement "CM", which contract had been executed on behalf of both parties and delivered on August 16, 1923.

1163—R. T. 7648

Agreement "CJ"—Notice by Chief Engineer of Commencement of Work for Construction of Concrete and Steel Highway Bridge at Ninth Avenue Between 37th and 38th Streets, Borough of Brooklyn—Filed

The Commission ordered filed a notice from the Chief Engineer, dated August 17, 1923, advising of the commencement of work on August 14, 1923, by M. A. Charles for the construction of a concrete and steel highway bridge over Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, Agreement "CJ".

1164—R. T. 6761

Contract No. 3—Communication from Interborough Rapid Transit Company Transmitting Copy of Contract for Removal of Ashes and Rubbish—Filed

The Commission ordered filed a communication dated August 11, 1923, from the Interborough Rapid Transit Company by H. M. Fisher, Secretary, transmitting a copy of a contract dated July 9, 1923, with the Bouker Contracting Company for the removal of ashes and rubbish from the 74th Street and 59th Street Power Houses and rubbish from the dumping stations at 129th Street and 159th Street and the Harlem River for a period of one year commencing July 9, 1923.

1165

Employees—Report by Acting Chief Executive Officer Recommending Establishment of Minimum Salary of \$2,101 for Draftsmen—Approved

A report was presented from George L. Lucas, Acting Chief Executive Officer, dated August 15, 1923, recommending the establishment of the minimum salary of \$2,101. per annum for draftsmen instead of \$1,801. Upon motion duly seconded and adopted the report and recommendation were approved.

1166

Employees' Calendar No. 159

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Promotions—Hyman J. Abramson, accountant, from \$187.50 per month to \$200.00 per month, to take effect July 1, 1923; Winifred L. Anderson, clerk, from \$80.00 per month to \$90.00 per month, to take effect July 1, 1923; Arthur Azzoni, inspector of equipment, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; William R. Barlow, assistant electrical engineer, from \$250.00 per month to \$262.50 per month, to take effect July 1, 1923; James Barmonde, inspector of painting, from \$180.00 per month to \$187.50 per month, to take effect July 1, 1923; Charlotte C. Beigh, stenographer, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Adolph R. Bergbom, file clerk, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Sol. E. Berkenblitt, assistant chemist, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Sybil R. Berman, stenographer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Rose B. Bernstein, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Richard A. Berry, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; Jaques Birkhahn, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; Louis Blatt, junior electrical engineer, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; Olga B. Berger, file clerk, from \$109.83 per month to \$125.00 per month, to take effect July 1, 1923; Paul S. L. Bolger, engineer accountant, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; Henry E. Bollbach, assistant electrical engineer, from \$187.50 per month to \$200.00 per month, to take effect July 1, 1923; Arthur C. Brockway, transit inspector to assistant supervising transit inspector, from \$137.50 per month to \$150.08 per month, to take effect July 1, 1923; Patrick Brown, transit inspector, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; Caroline H. Bruhns, clerk, from \$80.00 per month to \$90.00 per month, to take effect July 1, 1923; Elizabeth A. Bruhns, clerk, from \$80.00 per month to \$90.00 per month, to take effect July 1, 1923; Robert Brushaber, engineer accountant, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; Thomas R. Burke, supervising inspector of track, from \$240.00 per month to \$266.66 per month, to take effect July 1, 1923; Cecelia K. Byrne, senior clerk, from \$175.00 per month to \$187.50 per month, to take effect July 1, 1923; Mary T. Byrne, proofreader, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Allyn B. Calkins,

cement tester, from \$180.00 per month to \$187.50 per month, to take effect July 1, 1923; Cecelia F. Carr, file clerk, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; John J. Casey, junior assistant, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; Daniel B. Cashion, inspector of track, from \$210.00 per month to \$225.00 per month, to take effect July 1, 1923; Anthony M. Catino, draftsman, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Charles M. Ciaccio, junior assistant, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Teresa V. Clark, stenographer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Mary E. Clifford, telephone operator, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Jacob J. Cohen, junior engineer, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Clara Cohen, stenographer, from \$122.00 per month to \$130.00 per month, to take effect July 1, 1923; Albert E. Comstock, assistant engineer, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; Lawrence D. Connelly, junior engineer, from \$210.00 per month to \$225.00 per month, to take effect July 1, 1923; Arthur J. Connolly, stenographer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Joseph G. Connor, railway engineer, from \$220.83 per month to \$237.50 per month, to take effect July 1, 1923; Henry J. Cook, transit inspector, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Sidney Coombe, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Cecelia R. Corcoran, file clerk, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Michael J. Corcoran, supervising transit inspector, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; William Crepea, junior engineer, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Francis G. Daniell, assistant electrical engineer, from \$220.83 per month to \$240.00 per month, to take effect July 1, 1923; Abraham Daniels, junior engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Alvin C. DeBaer, junior electrical engineer, from \$150.08 per month to \$162.50 per month, to take effect July 1, 1923; William J. Degan, inspector of lumber, from \$180.00 per month to \$187.50 per month, to take effect July 1, 1923; Burson DeHart, transit inspector, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Roslyn Dertinger, clerk, from \$90.00 per month to \$100.00 per month, to take effect July 1, 1923; Mary C. Devine, clerk, from \$70.00 per month to \$75.00 per month, to take effect July 1, 1923; Helen G. Dixon, senior clerk, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; George Donnelly, transit inspector, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; John H. Dooley, junior engineer, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Alfred J. Doyle, assistant electrical engineer, from \$291.66 per month to \$304.16 per month, to take effect July 1, 1923; J. Dryshpel, designer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; John J. Duffy, draftsman, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Alexander F. Dugan, watchman, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; John J. Eagin, assistant electrical engineer, from \$205.83 per month to \$212.50 per month, to take effect July 1, 1923; Walter T. Edgerton, supervising transit inspector, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Joseph M. Egan, engineering inspector, from \$210.00 per month to \$225.00 per month, to take effect July 1, 1923; Yetta Eisenberg, clerk, from \$70.00 per month to \$80.00 per month, to take effect July 1, 1923; Nathan L. Elgovstein, file clerk, from \$109.83 per month to \$125.00 per month, to take effect July 1, 1923; Rachael Epstein, stenographer, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Thomas E. Farley, clerk, from \$90.00 per month to \$100.00 per month, to take effect July 1, 1923; George B. Faucett, junior electrical engineer, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Pauline Ferber, clerk, from \$70.00 per month to \$75.00 per month, to take effect July 1, 1923; Peter Ferreri, junior electrical engineer, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; Ellen T. Finan, file clerk, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Eleanor M. Finn, clerk, from \$90.00 per month to \$100.00 per month, to take effect July 1, 1923; Aaron D. Fleshler, junior electrical engineer, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; Daniel J. R. Foley, transit inspector to assistant supervising transit inspector, from \$137.50 per month to \$150.08 per month, to take effect July 1, 1923; Robert Forfar, porter, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Earle L. Foskett, junior electrical

engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Frank J. Frank, inspector of equipment, from \$162.50 per month to \$175.08 per month, to take effect July 1, 1923; William H. Freeman, railway engineer, from \$287.50 per month to \$300.00 per month, to take effect July 1, 1923; Sidney Fuld, junior electrical engineer, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; John F. Galvin, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Sidney W. Gay, assistant supervising transit inspector to supervising transit inspector, from \$162.50 per month to \$175.08 per month, to take effect July 1, 1923; Leroy Ghear, record clerk, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Leo Gilian, junior engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Bennett E. Glazer, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Henry R. Glockner, junior engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Samuel Goldman, proofreader, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Jacob L. Goldstone, junior engineer, from \$195.00 per month to \$212.50 per month, to take effect July 1, 1923; Nathan I. Goldstone, assistant chemist, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Bessie Greenberg, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Joseph J. Gunning, inspector of track, from \$210.00 per month to \$225.00 per month, to take effect July 1, 1923; Daniel R. Gwydir, inspector of equipment, from \$162.50 per month to \$175.08 per month, to take effect July 1, 1923; Selby Haar, electrical engineer (assistant), from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; Sadie Halperon, stenographer, from \$95.00 per month to \$112.50 per month, to take effect July 1, 1923; Reginald B. Hammond, junior assistant, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Joseph R. Hardenbergh, assistant electrical engineer, from \$187.50 per month to \$200.00 per month, to take effect July 1, 1923; Frederick W. Harris, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Fannie A. Hart, stenographer, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Pauline H. Hartzheim, librarian, from \$109.83 per month to \$120.00 per month, to take effect July 1, 1923; Francis V. Hayes, assistant engineer, from \$240.00 per month to \$250.00 per month, to take effect July 1, 1923; George A. Healey, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Mary E. Heeran, stenographer, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Max Heller, junior engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; George N. Hellers, inspector of painting, from \$180.00 per month to \$187.50 per month, to take effect July 1, 1923; George E. Henry, laborer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; William Heufner, stenographer, from \$128.08 per month to \$150.08 per month, to take effect July 1, 1923; Clara Herskowitz, stenographer, from \$112.50 per month to \$120.00 per month, to take effect July 1, 1923; Regina Herskowitz, clerk, from \$100.00 per month to \$112.50 per month, to take effect July 1, 1923; Norman A. Hill, engineer accountant, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; W. Hille, transit inspector, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; John W. Hilliard, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; Walter Hoffman, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Howard Holbrook, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Bella Hollander, clerk, from \$70.00 per month to \$75.00 per month, to take effect July 1, 1923; Joseph R. Holt, junior assistant, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Byron Houghtaling, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; Edward R. Howell, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; Henry O. Huntting, architectural designer, from \$250.00 per month to \$262.50 per month, to take effect July 1, 1923; Edgar T. Hurley, junior electrical engineer, from \$150.08 per month to \$162.50 per month, to take effect July 1, 1923; Edward D. Hutchinson, supervising transit inspector, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Florence D. Hyman, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; George Jackowitz, junior assistant, from \$100.08 per month to \$125.08 per month, to take effect July 1, 1923; Miriam Jacobson, stenographer, from \$150.00 per month to \$162.50 per month, to take effect

July 1, 1923; Irene Jenkins, clerk, from \$70.00 per month to \$75.00 per month, to take effect July 1, 1923; Earl A. Johnson, junior electrical engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Jennie M. Joyce, tabulating machine operator, from \$122.00 per month to \$130.00 per month, to take effect July 1, 1923; Robert O. Jukes, junior engineer, from \$180.08 per month to \$187.50 per month, to take effect July 1, 1923; Louis Kahn, junior engineer, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Emanuel Kaslow, junior engineer, from \$180.00 per month to \$187.50 per month, to take effect July 1, 1923; Eva Katzin, clerk, from \$66.66 per month to \$75.00 per month, to take effect July 1, 1923; Anna Kaufman, stenographer, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Hillary E. Keffer, assistant electrical engineer, from \$175.08 per month to \$187.50 per month, to take effect July 1, 1923; Vincent A. Keffer, inspector of equipment, from \$142.33 per month to \$150.00 per month, to take effect July 1, 1923; Paul J. Keleti, clerk, from \$66.66 per month to \$75.00 per month, to take effect July 1, 1923; Henry Keller, inspector of equipment, from \$200.00 per month to \$212.50 per month, to take effect July 1, 1923; Joseph Keller, inspector of equipment, from \$150.08 per month to \$175.08 per month, to take effect July 1, 1923; William H. Kelly, laborer, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Gertrude G. Kennedy, bookkeeper, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; George N. Kerbey, supervising inspector of steel, from \$214.50 per month to \$225.00 per month, to take effect July 1, 1923; Grace Killen, clerk, from \$80.00 per month to \$90.00 per month, to take effect July 1, 1923; Frances Klein, stenographer, from \$109.83 per month to \$120.00 per month, to take effect July 1, 1923; Albert Kluger, junior electrical engineer, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; Henry C. Kuehn, architectural draftsman, from \$150.08 per month to \$162.50 per month, to take effect July 1, 1923; Vincent L. Larkin, inspector of lumber, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Elias Lavine, designer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; Dora Lehrner, stenographer, from \$100.00 per month to \$112.50 per month, to take effect July 1, 1923; August F. Leimbach, transit inspector to assistant supervising transit inspector, from \$137.50 per month to \$150.08 per month, to take effect July 1, 1923; Charles A. Lenck, junior engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Harry M. Leon, junior engineer, from \$175.00 per month to \$187.50 per month, to take effect July 1, 1923; Alfred Lennon, engineering inspector, from \$162.50 per month to \$180.00 per month, to take effect July 1, 1923; Margaret E. Lennon, statistician, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; Sylvia B. Lerner, stenographer, from \$109.83 per month to \$120.00 per month, to take effect July 1, 1923; Abraham Levey, stenographer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Mary Levine, stenographer, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Anna F. Lichtenstein, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Simon Lipschitz, clerk, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Helen A. Lynch, stenographer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Harriet Lynch, telephone operator, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Walter H. McClure, assistant supervising transit inspector to supervising transit inspector, from \$175.00 per month to \$187.50 per month, to take effect July 1, 1923; Agnes C. McCourt, telephone operator, from \$90.00 per month to \$100.00 per month, to take effect July 1, 1923; Elizabeth A. McDonnell, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; James J. McNerny, transit inspector, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; Walter C. McKinley, assistant supervising transit inspector to supervising transit inspector, from \$175.00 per month to \$187.50 per month, to take effect July 1, 1923; Edward McLaughlin, laborer, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; James J. McNicholas, transit inspector to assistant supervising transit inspector, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; James L. MacCarthy, assistant supervising transit inspector to supervising transit inspector, from \$175.00 per month to \$187.50 per month, to take effect July 1, 1923; V. Harold Maddox, junior engineer, from \$180.08 per month to \$192.50 per month, to take effect July 1, 1923; Barbara A. Maloney, bookkeeper, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Carl W. Manzler, junior electrical engineer, from \$162.50 per month to \$175.00 per month, to take effect July

1, 1923; John J. Marron, transit inspector, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Paul Martin, junior electrical engineer, from \$152.50 per month to \$162.50 per month, to take effect July 1, 1923; Benjamin Maurice, supervising inspector of steel, from \$240.00 per month to \$250.00 per month, to take effect July 1, 1923; Benjamin Meltzer, clerk, from \$90.00 per month to \$100.00 per month, to take effect July 1, 1923; Meyer Messinger, stenographer, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Howard P. Michener, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; William D. Milligan, clerk, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; William H. Morris, assistant engineer, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; John W. Mullin, transit inspector, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; Katherine B. Mullins, senior clerk, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Fred C. Munk, junior electrical engineer, from \$180.08 per month to \$200.00 per month, to take effect July 1, 1923; Stephen Murphy, transit inspector, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; William J. Murphy, transit inspector, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; John F. Murray, supervising transit inspector, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Oscar Musen, junior electrical engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Cora Naehner, bookkeeper, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Hugh J. Napier, transit inspector, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; John M. Nason, engineering inspector, from \$170.00 per month to \$187.50 per month, to take effect July 1, 1923; Harry Nathan, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Lucille M. Newton, stenographer, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Olof A. Nilsson, designer, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; Minnie Notkin, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Helen O'Donohue, junior clerk to clerk, from \$60.00 per month to \$70.00 per month, to take effect July 1, 1923; Thomas O'Hara, transit inspector to assistant supervising transit inspector, from \$137.50 per month to \$150.08 per month, to take effect July 1, 1923; Edward O'Keefe, transit inspector to assistant supervising transit inspector, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; John O'Mara, transit inspector, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Adam J. O'Neil, locomotive boiler inspector, from \$208.33 per month to \$225.00 per month, to take effect July 1, 1923; Jeremiah J. O'Neill, junior electrical engineer, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Mollie Ornstein, stenographer, from \$128.08 per month to \$150.08 per month, to take effect July 1, 1923; Agnes M. O'Toole, clerk, from \$66.66 per month to \$75.00 per month, to take effect July 1, 1923; John S. Pahler, inspector of equipment, from \$180.00 per month to \$187.50 per month, to take effect July 1, 1923; Andrew A. Papps, inspector of equipment, from \$162.50 per month to \$175.08 per month, to take effect July 1, 1923; Lawrence Patterson, Assistant engineer, from \$240.00 per month to \$250.00 per month, to take effect July 1, 1923; T. H. Patterson, assistant electrical engineer, from \$187.50 per month to \$200.00 per month, to take effect July 1, 1923; Ruth Pennetto, clerk, from \$66.66 per month to \$70.00 per month, to take effect July 1, 1923; Arthur W. Pinkard, porter, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Ferdinand J. Pletz, inspector of equipment, from \$165.00 per month to \$175.08 per month, to take effect July 1, 1923; David A. Plotkin, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Joseph F. Pohlen, inspector of equipment, from \$162.50 per month to \$175.08 per month, to take effect July 1, 1923; Charles J. Pommerer, supervising transit inspector, from \$212.50 per month to \$225.00 per month, to take effect July 1, 1923; Charles C. Puckhafer, junior engineer, from \$195.00 per month to \$212.50 per month, to take effect July 1, 1923; Isidor Rabiner, draftsman, from \$180.08 per month to \$200.00 per month, to take effect July 1, 1923; Louis Rehr, inspector of track, from \$170.08 per month to \$187.50 per month, to take effect July 1, 1923; Israel Reichel, junior assistant, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Margaret Reinwald, junior clerk to clerk, from \$60.00 per month to \$65.00 per month, to take effect July 1, 1923; Pincus Rizack, junior engineer from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; William Rode, junior electrical engineer, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Philip

Rodman, stenographer, from \$175.00 per month to \$175.08 per month, to take effect May 1, 1923; Philip Rodman, stenographer, from \$175.08 per month to \$200.00 per month, to take effect July 1, 1923; Anna B. Rosenbaum, stenographer, from \$109.83 per month to \$120.00 per month, to take effect July 1, 1923; Millie Rosenberg, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Sydney Rosmarin, accountant, from \$150.08 per month to \$162.50 per month, to take effect July 1, 1923; Jacob Rotgard, draftsman, from \$180.00 per month to \$200.00 per month, to take effect July 1, 1923; Francis G. Russell, assistant engineer, from \$240.00 per month to \$250.00 per month, to take effect July 1, 1923; Francis Ryan, architectural draftsman, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; John S. Ryan, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; David H. Sarfaty, engineering inspector, from \$180.00 per month to \$187.50 per month, to take effect July 1, 1923; Frank W. Sattler, clerk, from \$128.08 per month to \$145.00 per month, to take effect July 1, 1923; Leslie Saunders, transit inspector to assistant supervising transit inspector, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; John Scheuring, engineer accountant, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; Rebecca Schurr, stenographer, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Sander, Schwartz, assistant engineer, from \$200.00 per month to \$212.50 per month, to take effect July 1, 1923; Mildred Scully, clerk, from \$90.00 per month to \$100.00 per month, to take effect July 1, 1923; Allan D. Seale, inspector of equipment, from \$162.50 per month to \$175.08 per month, to take effect July 1, 1923; Joseph A. Shanahan, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Richard T. Sheahan, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Harry M. Sheldon, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; Frank A. Shelton, inspector of track, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Jacob J. Siegel, junior accountant, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; Fanny B. Siegel, stenographer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Michael Silverman, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Lillian S. Silverstein, stenographer, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Antoinette Sirinek, stenographer, from \$128.08 per month to \$137.50 per month, to take effect July 1, 1923; Charles J. Slipper, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; William O. Smith, supervising transit inspector, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Philip Spector, junior engineer, from \$162.50 per month to \$175.00 per month, to take effect July 1, 1923; Charles A. Standfast, supervising transit inspector, from \$225.00 per month to \$237.50 per month, to take effect July 1, 1923; Goldie Stern, stenographer, from \$90.00 per month to \$112.50 per month, to take effect July 1, 1923; Charles Steul, assistant supervising transit inspector to supervising transit inspector, from \$175.00 per month to \$187.50 per month, to take effect July 1, 1923; William Stroebel, assistant engineer, from \$273.50 per month to \$250.00 per month, to take effect July 1, 1923; William H. Stuart, junior engineer, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Arthur E. Sundholm, transit inspector to assistant supervising transit inspector, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; Cecelia W. Teale, stenographer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; Reginald H. Thayer, assistant engineer, from \$240.00 per month to \$250.00 per month, to take effect July 1, 1923; Charles D. Thomas, assistant engineer, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; Margaret Thornton, clerk, from \$80.00 per month to \$90.00 per month, to take effect July 1, 1923; Samuel Toporoff, draftsman, from \$165.00 per month to \$175.00 per month, to take effect July 1, 1923; Peter Traverso, transit inspector, from \$125.08 per month to \$137.50 per month, to take effect July 1, 1923; Anna A. Tuerk, accountant, from \$187.50 per month to \$200.00 per month, to take effect July 1, 1923; Frederick P. Volckman, assistant engineer, from \$266.66 per month to \$279.16 per month, to take effect July 1, 1923; Warren F. Wagner, junior assistant, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Max Warshofsky, clerk, from \$109.83 per month to \$125.00 per month, to take effect July 1, 1923; Harry W. Weber, junior assistant, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Bertha Weinberg, stenographer, from \$112.50 per month to \$120.00 per month, to take effect July 1, 1923; Edward E. White, engineering inspector, from \$170.00 per month

to \$180.00 per month, to take effect July 1, 1923; Wallace A. Wiegert, junior electrical engineer, from \$150.00 per month to \$162.50 per month, to take effect July 1, 1923; Gerald G. Wiggins, assistant electrical engineer, from \$237.50 per month to \$250.00 per month, to take effect July 1, 1923; Louise Wilson, file clerk, from \$109.83 per month to \$125.00 per month, to take effect July 1, 1923; Henry C. Wohlfrath, transit inspector, from \$137.50 per month to \$150.00 per month, to take effect July 1, 1923; Cecelia Wolf, stenographer, from \$90.00 per month to \$100.00 per month, to take effect July 1, 1923; Irving Wolff, bookkeeper, from \$112.50 per month to \$125.00 per month, to take effect July 1, 1923; Virginia Woods, clerk, from \$80.00 per month to \$90.00 per month, to take effect July 1, 1923; Nettie Zucker, stenographer, from \$122.00 per month to \$137.50 per month, to take effect July 1, 1923.

1167

Employees' Calendar No. 160

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Martin J. Brosman, transit inspector, at \$125.08 per month, to take effect August 20, 1923; Jacob S. Durben, architectural draftsman, at \$150.08 per month, to take effect August 16, 1923.

Appointment under Rule VIII:4—G. William Berg, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Gustav M. Blom, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Arnold Brauner, draftsman, at \$150.08 per month, to take effect August 17, 1923; Michael P. Conroy, junior assistant, at \$125.08 per month, to take effect August 20, 1923; James Conway, junior assistant, at \$125.08 per month, to take effect August 16, 1923; Juan A. Delgado, draftsman, at \$150.08 per month, to take effect August 20, 1923; Samuel Freeman, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Samuel N. Gerson, draftsman, at \$150.08 per month, to take effect August 20, 1923; Joseph G. Gotzen, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Victor H. Greenwald, architectural draftsman, at \$150.08 per month, to take effect August 20, 1923; George Iscol, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Samuel Kahn, draftsman, at \$150.08 per month, to take effect August 17, 1923; Alfred B. Kasten, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Walter R. Many, draftsman, at \$150.08 per month, to take effect August 20, 1923; Dominick C. Martocci, junior assistant, at \$125.08 per month, to take effect August 17, 1923; Walter A. Murphy, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Edwin A. O'Hanlon, architectural draftsman, at \$150.08 per month, to take effect August 20, 1923; William A. O. Leary, draftsman, at \$150.08 per month, to take effect August 20, 1923; William V. Power, junior assistant, at \$125.08 per month, to take effect August 20, 1923; J. Clinton Schafer, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Vincent Schiliro, draftsman, at \$150.08 per month, to take effect August 20, 1923; Walter E. Speck, junior assistant, at \$125.08 per month, to take effect August 14, 1923; John A. Teufer, Sr., junior assistant, at \$125.08 per month, to take effect August 20, 1923; Thomas Tracy, junior assistant, at \$125.08 per month, to take effect August 17, 1923; Claude M. Twombly, architectural draftsman, at \$150.08 per month, to take effect August 20, 1923; Herbert B. Walters, junior assistant, at \$125.08 per month, to take effect August 17, 1923; Hyman Zasky, junior assistant, at \$125.08 per month, to take effect August 14, 1923.

Reinstatement under Rule XVI:1—Roy K. Diamond, draftsman, at \$150.08 per month, to take effect August 20, 1923.

Resignations—Anna Friedberg, stenographer, at \$90.00 per month, to take effect August 15, 1923; Nan St. C. Hiney, stenographer, at \$112.50 per month, to take effect August 9, 1923; Simon Kurtz, draftsman, at \$150.08 per month, to take effect August 21, 1923; Marian C. Lynch, clerk, at \$70.00 per month, to take effect August 21, 1923; James L. MacCarthy, assistant supervising transit inspector, at \$175.00 per month, to take effect August 15, 1923; P. D. Palmer, junior assistant, at \$125.08 per month, to take effect August 20, 1923; Jessie Schenkler, stenographer, at \$90.00 per month, to take effect August 15, 1923; Abraham Schiff, junior assistant, at \$125.08 per month,

to take effect August 14, 1923; Samuel Weinberg, draftsman, at \$150.08 per month, to take effect August 14, 1923; Joseph P. Weismantel, junior assistant, at \$125.08 per month, to take effect August 20, 1923.

Change of Item in Resolution of July 31, 1923 Concerning David Stone so as to Read as Follows—(Appt. under Rule VIII:9) David Stone, architectural draftsman, at \$150.08 per month, to take effect August 17, 1923.

Change of Item in Resolution of July 31, 1923 Concerning David Stone so as to Read as Follows—(Term. of Appt. under Rule VIII:4) David Stone, architectural draftsman, at \$150.08 per month, to take effect August 16, 1923.

Change of Item in Resolution of August 7, 1923 Concerning Aubrey L. McCaffrey, so as to Read as Follows—(Appointment) Aubrey L. McCaffrey, draftsman, at \$150.08 per month, to take effect August 20, 1923.

Leave of Absence with Pay—Morris J. Chanin, correspondence clerk, from April 18, 1923, to June 30, 1923; Simon Kurtz, draftsman, from June 11, 1923, to July 6, 1923.

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Voucher Schedule No. 34

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos. 790 to 823, Open Market Orders, \$2,909.75; Vouchers Nos. 401 to 440, Miscellaneous Bills, \$4,355.87. Vouchers Nos. 19 and 20, Special Payroll, \$1,950.

Estimates by the Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 208; Jacob Schlesinger, Inc.; Approximate Estimate No. 2 for changes in subway structure to permit widening of East 60th Street between Second and Fifth Avenues from June 26, 1923 to July 25, 1923 (R. T. 7639), \$6,732.45.

Voucher No. 218; Benedetto & Saussez; Approximate Estimate No. 4 for changes in subway structure to permit widening of certain streets in Borough of Manhattan from July 1, 1923 to July 31, 1923 (R. T. 7635), \$2,546.41.

Voucher No. 219; Charles Brown & Son Corp.; Approximate Estimate No. 18 for construction of station finish on Sections Nos. 1 and 2 of Route No. 8 from July 16, 1923 to August 15, 1923 (R. T. 7539), \$7,514.13.

Voucher No. 220; Otis Elevator Company; Approximate Estimate No. 2 for furnishing and installing two elevators in new entrance at 168th Street Station from July 1, 1923 to July 31, 1923 (R. T. 7623), \$4,029.75.

Voucher No. 221; B. T. & J. J. Mack, Inc.; Approximate Estimate No. 5 for construction of transformer closets for emergency lighting in Boroughs of Manhattan and Queens from June 17, 1923 to August 17, 1923 (R. T. 7587), \$1,568.28.

Voucher No. 222; Jacob Schlesinger, Inc.; Approximate Estimate No. 2 for construction of inspection shed and service buildings at Jerome Avenue Yard from July 7, 1923 to August 6, 1923 (R. T. 7636), \$9,371.44.

Voucher No. 223; Frederick Snare Corp.; (Present name of Snare & Triest Company as changed by law); for settlement of claim growing out of contract for construction of station finish on Sections Nos. 1, 1A, 2 and 3 of Route No. 12 (R. T. 7193), \$29,537.23.

Voucher No. 224; Jacob Schlesinger, Inc.; Approximate Estimate No. 13 for construction of second addition to shop at Lenox Avenue and 148th Street Yard from July 16, 1923 to August 15, 1923 (R.T. 7368), \$6,138.45.

1169

Upon motion, duly seconded and adopted, the meeting was adjourned to Wednesday August 22, 1923.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Wednesday, August 22, 1923

Present: LeRoy T. Harkness, Acting Chairman; John F. O'Ryan, Commissioner; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1170—Case 2627

Interborough Rapid Transit Company—Service and Equipment—Opinion by Commissioner O'Ryan Approved—Order Denying Application for Modification of Service Order "A"—Order Amending Service Order "B" Adopted

The Acting Secretary presented an Opinion in Case No. 2627 by Commissioner O'Ryan, recommending a denial of the application of the Interborough Rapid Transit Company for a modification of Service Order "A", adopted May 2, 1922, and a modification of Service Order "L", adopted on the same day.

Thereupon the above mentioned Opinion in Case No. 2627 was approved and an Order adopted and ordered filed denying the application of the Interborough Rapid Transit Company for a modification of Service Order "A".

Further, an Order in Case No. 2627 was adopted and ordered filed amending Service Order "B" in the following form:

Present:

LE ROY T. HARKNESS	} Commissioners.
Acting Chairman,	
JOHN F. O'RYAN,	

IN THE MATTER
of the

Hearing on the motion of the Commission upon the regulations, practices, equipment, appliances and service of the Interborough Rapid Transit Company.

CASE No. 2627.
ORDER AMENDING SERVICE
ORDER "B" OF MAY 2, 1922.

Whereas, This Commission having by Order adopted on March 7, 1922, directed that a hearing be held to the end that the Commission might determine whether the regulations, practices, equipment, appliances or service of the Interborough Rapid Transit Company in respect to the transportation of persons or property in the City of New York are unjust, unreasonable, unsafe, improper or inadequate, and to determine the just, reasonable, safe, adequate and proper regulations, practices, equipment, appliances and service thereafter to be in force, to be observed, and to be used in such transportation of persons and property and to fix and prescribe the same by order to be made by the Transit Commission and served upon said Interborough Rapid Transit Company; and hearings having been duly held, and the said Interborough Rapid Transit Company and The City of New York and the Transit Commission having appeared at said hearings by counsel; and the Commission having duly considered the evidence adduced before it at the aforesaid hearings and being of the opinion that the equipment of said Interborough Rapid Transit Company in respect to the transportation of persons and property within the City of New York was inadequate, and that additional equipment was necessary in order to provide more adequate service for the public and ought thereafter to be used by said company in the transportation of persons and property, duly issued and served herein on May 2, 1922, Service Order "B", which Service Order "B" was thereafter duly accepted by said Interborough Rapid Transit Company; and

Whereas, By reason of the evidence adduced in hearings held by and before this Commission in respect of the application of Interborough Rapid Transit Company for a modification of Service Order "A" in said Case No. 2627, and having approved the

opinion of John F. O'Ryan, Commissioner, therein, this Commission is of the opinion that the time of procurement of the additional equipment of said Interborough Rapid Transit Company in respect to the transportation of persons or property within the City of New York as required by said original Service Order "B" herein should be changed in order to earlier provide for adequate service for the public and which ought hereafter to be used by said Company in the transportation of persons or property;

Ordered, That the following provisions of the original Service Order "B" herein

"(1) Order, equip, and have ready for operation, when and as hereinafter provided, three hundred and fifty (350) steel cars, for use on the Subway Division of said company.

(2) Order immediately, and equip and have ready for operation as soon as it is possible, and not later than for the 1922-1923 winter operation, one hundred (100) steel cars.

(3) Order on August 1st, 1922, fifty (50) new steel cars, and equip and have them ready for operation as soon thereafter as it is possible, provided that the Transit Commission reserved the right to order the purchase of said fifty (50) steel cars at any date earlier or later than August 1, 1922, if and when, in its judgment, conditions change with respect to yard and terminal facilities, or the ability of the company to equip and operate these additional cars is affected through no fault of its own.

(4) Order the remaining two hundred (200) steel cars for use on the subway division, within six (6) months after the final contracts have been delivered for the construction of the 180th Street Yard and the Jerome Avenue Yard and the third addition to the 148th Street Yard and Shops, and equip and have ready for operation such two hundred (200) additional cars, as soon thereafter as it is possible."

be amended so as to read as follows:

Ordered, That the Interborough Rapid Transit Company

(1) Order, equip and have ready for operation, when and as hereinafter provided, three hundred and fifty (350) steel cars, for use on the Subway Division of said company.

(2) Order immediately, equip and have ready for operation as soon as it is possible, and not later than for the 1922-1923 winter operation, one hundred (100) steel cars.

(3) Order immediately, as of the date of this order as hereby amended, and equip and have ready for operation as soon as it is possible and not later than for the beginning of fall operation in 1924, one hundred (100) steel cars upon specifications to be approved by the Commission.

(4) To order immediately after the delivery of all the contracts for the completion of the construction of the third addition to shops of the 148th Street Yard of the Interborough Company as now proposed, one hundred and fifty (150) new steel cars upon specifications to be approved by the Commission and equip and have them ready for operation as soon thereafter as it is possible, provided, however, that the Commission reserves the right to require the Interborough Company to order said one hundred and fifty (150) new steel cars at any time prior to the delivery of the Contract for the installation of lead tracks to said third addition to shops of the said 148th Street Yard.

Service Order "B" as herein amended, shall take effect immediately.

It is further Ordered, That the Suspension Order herein adopted December 29, 1922 be and the same hereby is in all respects abrogated.

This Order shall be served upon the Interborough Rapid Transit Company in the manner prescribed by law and within ten (10) days after such service the Interborough Rapid Transit Company shall notify the Commission in writing whether the terms of this Order are accepted and will be obeyed.

BY THE COMMISSION,
FRANK N. ROBINSON,
Acting Secretary.

1171—R. T. 7653

Agreement "CN"—Report by Chief Engineer as to Receipt of Bids for Making Changes in Subway Structure at Broadway Incidental to Widening of West 32d Street and for Construction of Ventilation Flue and Making Recommendation for Award of Contract to Slattery Engineering & Construction Company, Inc., at Bid Price of \$28,810—Approval Resolution—Requisition Upon Board of Estimate and Apportionment

The following report was approved:

August 21, 1923.

To the TRANSIT COMMISSION.

Award of Contract for work under Agreement "CN," Making Changes in the Subway Structure at Broadway Incidental to the Widening of West 32nd Street, and the Construction of a Ventilation Flue at West 32nd Street & Broadway, to Slattery Engr'g. & Constr. Co. Inc.

On August 17, 1923, the following bids were received for work under Agreement "CN," Making Changes in the Subway Structure at Broadway, Incidental to the Widening of West 32nd Street and the Construction of a Ventilation Flue at West 32nd Street and Broadway, Routes 4 & 36, Section 2, Borough of Manhattan:

Name	Address	Amount
Slattery Engr'g. & Const. Co. Inc.	10 East 43rd St. N. Y. C.	\$28,810.00
John Riches	23 Willow Place, Bklyn.	29,270.00
Lustig & Weil	103 Park Ave. N. Y. C.	33,825.00
Sunswick Const. Co.	64 Jackson Ave. L. I. C.	33,835.00
David Levy	303 Fifth Ave. N. Y. C.	33,836.50
D. C. Serber	451 West 16th St. N. Y. C.	34,600.00
Norman A. Deiser	390 Broadway, Bklyn.	34,980.00

Our estimate for this work is \$27,690.25

A contract under this Agreement "CN" was previously recommended to the Board of Estimate to be awarded to the second lowest bidder, D. C. Serber, as members of the firm of the lowest bidder had been in default in the execution and delivery of another contract. On July 13, 1923, the Board of Estimate and Apportionment referred back to the Commission the proposed contract with D. C. Serber with a request that the work under Agreement "CN" be readvertised.

The present lowest bidder, Slattery Engineering & Construction Company, Inc., has done considerable work for the Commission and has carried out this work to our satisfaction. At present, they are completing a contract for double tracking the lead to the 148th Street Yard, which contract amounts to about \$227,000. I find the bid prices of the Slattery Engineering & Construction Company, Inc. reasonable under present conditions and in accordance with our experience with this Company. I consider it qualified to carry out successfully the work under Agreement "CN."

Attached are copies of minutes of a conference held in this office on August 21st with the President of the Slattery Engineering & Construction Company, Inc., which contains a financial statement of that Company.

Recommendation: I respectfully recommend that the contract for work under Agreement "CN," Making Changes in the Subway Structure at Broadway, Incidental to the Widening of West 32nd Street, and the Construction of a Ventilation Flue at West 32nd Street and Broadway, Routes 4 & 36, Section 2, Borough of Manhattan, be awarded to the lowest bidder, Slattery Engineering & Construction Company, Inc. at its bid price of \$28,810 and that a request be made upon the Board of Estimate for an appropriation of this amount, \$900.00 to be taken from the appropriation of \$1,000.00 made by the Board of Estimate and Apportionment on April 6th for the changes in the subway structure incidental to the widening of West 32nd Street at the northeast corner of Broadway, Manhattan, under the jurisdiction of the President, Borough of Manhattan, said work to be performed under the supervision of the Transit Commission, the balance of the appropriation or \$27,910 to be charged to Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, Pursuant to resolution adopted by this Commission on July 31, 1923 the Invitation to Contractors forming part of the proposed contract theretofore adopted by this Commission for making changes in the subway structure at Broadway, incidental to the widening of West 32nd Street and the construction of a ventilation flue at West 32nd Street and Broadway, Routes Nos. 4 & 36, Section No. 2, Borough of Manhattan (Agreement "CN") was duly readvertised and bids respectively totalling as follows were received on August 17, 1923:

Slattery Engr'g. & Const. Co., Inc.....	\$28,810.00
John Riches	29,270.00
Lustig & Weil.....	33,825.00
Sunswick Const. Co.....	33,835.00
David Levy	33,836.50
D. C. Serber.....	34,600.00
Norman A. Deiser.....	34,980.00

; and

Whereas, The Chief Engineer of this Commission, by communication dated August 21, 1923, has reported that the amount of said low bid is reasonable and that the said Slattery Engineering & Construction Co., Inc., the low bidder, is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$27,910, the estimated amount chargeable to rapid transit costs necessary to carry out said proposed contract and in addition the application of \$900 of the appropriation made by the Board of Estimate and Apportionment for roadway changes included in said proposed contract.

Resolved, That said report and recommendation of the Chief Engineer be and the same hereby is approved; that the said bid of Slattery Engineering & Construction Co., Inc., as aforesaid be and the same hereby is accepted and that the said proposed contract for making changes in the subway structure at Broadway, incidental to the widening of West 32nd Street and the construction of a ventilation flue at West 32nd Street and Broadway, in the Borough of Manhattan, City of New York (Agreement "CN") be and the same hereby is awarded to the said Slattery Engineering & Construction Co., Inc., subject to its being approved and consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment, in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$28,810, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

August 22, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Slattery Engineering & Construction Co., Inc., (Agreement "CN"), for the making of changes in the subway structure at West 32nd Street and the construction of a ventilation flue at West 32nd Street and Broadway in the Broadway-Fourth Avenue Rapid Transit Railroad, Routes Nos. 4 & 36, Section No. 2, all in the Borough of Manhattan, together with a requisition upon your Honorable Board for the appropriation of the sum of Twenty-seven thousand nine hundred and ten dollars (\$27,910), as hereinafter more particularly indicated, and the application of Nine hundred dollars (\$900) of an appropriation of One thousand dollars (\$1,000), heretofore made by your Board as hereinafter set forth, being the total of Twenty-eight thousand eight hundred and ten dollars (\$28,810), which is the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Your Honorable Board, on a prior submission of this proposed agreement by resolution adopted on July 13, 1923 (Cal. No. 174), predicating your action on the

report of an Engineer of your Board, referred back to the Transit Commission said proposed contract for readvertising.

In accordance with such action the Commission has readvertised said proposed contract and pursuant thereto bids were received on August 17, 1923, respectively totalling as follows:

Slattery Engineering & Construction Co., Inc.....	\$28,810.00
John Riches	29,270.00
Lustig & Weil.....	33,825.00
Sunswick Const. Co.....	33,835.00
David Levy	33,836.50
D. C. Serber	34,600.00
Norman A. Deiser.....	34,980.00

The Chief Engineer of this Commission, in a communication dated August 21, 1923, reports that the bid of Slattery Engineering & Construction Co., Inc., the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said proposed contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the said Slattery Engineering and Construction Co., Inc., subject to its being approved and consented to in form and substance as required by law.

On April 6, 1923 your Honorable Board adopted the following resolution:

"Resolved, By the Board of Estimate and Apportionment, that pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding one thousand dollars (\$1,000), which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which to the amount of the par value thereof to be used for the changes in the subway structure incidental to the widening of West 32nd Street at the northeast corner of Broadway, Manhattan, under the jurisdiction of the President, Borough of Manhattan, said work to be performed under the supervision of the Transit Commission, and said appropriation to be disbursed upon vouchers, prepared by the Transit Commission and certified by the Borough President."

The amount of the lump sum bid in the proposal of Slattery Engineering & Construction Co., Inc. for performance of the work included in the resolution of your Honorable Board herein set forth is Nine hundred dollars (\$900).

Your Honorable Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract in so far as it pertains to rapid transit construction, to wit, the sum of Twenty-seven thousand and nine hundred and ten dollars (\$27,910) and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract in so far as it applies to rapid transit construction, to wit, the sum of Twenty-seven thousand nine hundred and ten dollars (\$27,910).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount estimated to be necessary to pay the expense to the City of carrying out said proposed contract in so far as it applies to rapid transit construction.

This requisition, for the appropriation of Twenty-seven thousand nine hundred and ten dollars (\$27,910) is a subrequisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4, and the appropriations made in consequence thereof by your Honorable Board.

Your Honorable Board is also requested to apply to the work included in said proposed contract herewith transmitted for making changes in the subway structure incidental to the widening of 32nd Street at the northeast corner of Broadway, Borough of Manhattan, the sum of Nine hundred dollars (\$900) from the appropriation of One thousand dollars (\$1,000), made by your Board pursuant to the resolution of April 6, 1923 herein set forth.

TRANSIT COMMISSION,
By LEROY T. HARKNESS,
Acting Chairman.

1172—R. T. 6594

Route No. 48—Application by Interborough Rapid Transit Company for Approval of Various Items of Equipment for New Entrance and Railing at Wall Street Station—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 2, 1923, requesting approval of various items of equipment for lighting, signs, automatic prepayment turnstiles and equipment for ticket booths in connection with the construction of a new entrance and protective railing at the Wall Street Station at an estimated cost of \$4,300.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated August 14, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad and assigning Work Order No. IBA-14 thereto.

The following resolution was adopted:

Whereas, By resolution adopted February 20, 1923 this Commission, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, directed said Interborough Rapid Transit Company, as Lessee under the provisions of said Contract No. 3 and particularly Articles LXX and LXXI thereof, to construct as an Addition to Construction a protective railing and additional stairway at the Wall Street Station of the Seventh Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad as described in said Contract No. 3, all as more particularly set forth in said resolution aforesaid; and

Whereas, Interborough Rapid Transit Company, by communication dated August 2, 1923, has requested the approval of this Commission, pursuant to the provisions of said Contract No. 3 and said order of February 20, 1923 to the provision of various items of equipment made necessary by the construction of said new entrance and railing at the Wall Street Station aforesaid, at an estimated cost of \$4,300; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated August 14, 1923, reported that the kind and amount of equipment proposed is suitable and necessary for the purpose; that the estimated cost appears reasonable and recommend the approval of said proposal of Interborough Rapid Transit Company; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated August 20, 1923, recommends that the cost of the work so to be performed by Interborough Rapid Transit Company in the provision of various items of equipment at said Wall Street Station be classified as Additional Equipment for the Railroad and that Work Order No. IBA-14 be assigned thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of August 2, 1923 of Interborough Rapid Transit Company be and the same hereby is approved, the cost of such work to be classified as Additional Equipment for the Railroad and as to which this Commission assigns Work Order No. IBA-14.

1173—R. T. 7224

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Installation of Additional Feeder Connections With Switches at Substation No. 40—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 2, 1923, requesting approval to the proposed expenditure of approximately \$1,615.

for the installation of two additional feeder connections with switches in Substation No. 40 for the purpose of supplying power to two New York Rapid Transit Corporation cables in the ducts in front of the building.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated August 16, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad and assigning Work Order No. IBA-15 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated August 2, 1923, has requested the approval of this Commission to the proposed expenditure of approximately \$1,615, for the provision and installation of two additional feeder connections with switches at Substation No. 40, located on Murray Street west of West Broadway, Borough of Manhattan, for the purpose of supplying power to two New York Rapid Transit Corporation cables in the ducts outside of the said substation building; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated August 16, 1923, reported that said cable connections are necessary for supplying power to the Broadway-Fourth Avenue Line pursuant to the power agreement between the said Interborough Rapid Transit Company and a predecessor of New York Rapid Transit Corporation for the supply of power; that the installation of the cables by the New York Rapid Transit Corporation was approved by the Commission by resolution adopted October 10, 1922, to which this Commission assigned Work Order No. MBA-15 and to which will be charged the work to be performed by the Interborough Rapid Transit Company outside of the building and the building line; that the costs are reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 20, 1923, has recommended that the cost of the proposed work within the building and within the building line be classified as Additional Equipment for the Railroad as defined in said Contract No. 3 and that Work Order No. IBA-15 be assigned thereto,

Resolved, That said report and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company be and the same hereby is approved upon condition that the cost of such work within the building and within the building line of the substation shall be classified as Additional Equipment for the Railroad as defined in said Contract No. 3 and as to which this Commission assigns Work Order No. IBA-15.

1174—R. T. 7675

Contract No. 4—Application by William P. O’Ryan for Approval of Addition of Name of “Manhattan College” to Name of 242nd Street-Van Cortlandt Park Station—Report by Commissioner O’Ryan Recommending Approval—Approval Resolution

An application was presented from William P. O’Ryan, an Alumnus of Manhattan College, dated June 23, 1923, requesting the addition of the words “Manhattan College” to the name of the 242nd Street-Van Cortlandt Park Station.

A report was presented from Commissioner O’Ryan dated July 25, 1923, recommending that the application be approved and that the expense therefor be borne by the Manhattan College.

The following resolution was adopted:

Whereas, William P. O'Ryan, Esq., an alumnus of Manhattan College, has made application to this Commission for approval of the change in the name of the 242nd Street-Van Cortlandt Park Station of the Manhattan-Bronx Rapid Transit Railroad to read *242nd Street-Van Cortlandt Park-Manhattan College*; and

Whereas, This Commission, after consideration of said application and the report of John F. O'Ryan, Commissioner, in respect thereto, is of the opinion that said application should be approved.

Resolved, That the said application aforesaid, to change the name of the said station of the Manhattan-Bronx Rapid Transit Railroad designated as 242nd Street-Van Cortlandt Park so as to read *242nd Street-Van Cortlandt Park-Manhattan College*, be and the same hereby is approved, such approval to take effect if and when and only when the said Manhattan College shall file with this Commission a duly executed agreement with Interborough Rapid Transit Company, as Lessee of said station of said rapid transit railroad, agreeing to the making of such change at the sole cost and expense of the said Manhattan College.

1175—R. T. 6989

Route No. 18, Section No. 1—Resolution Declaring Ready for Operation Certain Tracks and Inspection Facilities in 180th Street Yard—Adopted

The following resolution was adopted:—

Resolved, That, under and in pursuance of the provisions of the contract known as Contract No. 3 dated March 19, 1913, made between the City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, this Commission hereby declares the following tracks and inspection facilities in the East 180th Street Yard of the White Plains Road Line, located between East 180th Street, the White Plains Road Line and Bronx Park as described in said Contract No. 3 to be ready for operation and use at 6:00 o'clock A. M., on Monday, August 27, 1923.

Track A from a connection with the southbound local Track No. 2 of the White Plains Road Line (approximate general stationing W. 389 + 50) to the northerly end of yard (approximate general stationing 401 + 43).

Tracks Nos. 11, 12, 13, 14, 15, 16, 17 and 18 from their northerly connection with Track A (approximate general stationing 393 + 25) and with each other to their termini in the southerly end of the inspection shed.

All of the inspection shed, boiler room, coal bins, pump room, and oil house within the yard area.

The above tracks to include all special work, bumpers and appurtenances within the designated limits.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Thursday, August 23, 1923

Present: LeRoy T. Harkness, Acting Chairman; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1176—R. T. 7644

Agreement "CP"—Receipt of Bids for Making Changes in Railroad Structure to Provide for Crossover, Section No. 5 of Route No. 8—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for making changes in the railroad structure to provide for a crossover on Section No.

5, Route No. 8, Bushwick Avenue, Borough of Brooklyn, Agreement "CP," had elapsed at 11:30 A. M. and directed the Acting Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Acting Secretary presented the proper affidavits of publication and opened the box and read the eight bids received. The bids were then referred to the Chief Engineer.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Tuesday, August 28, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1177—R. T. 7644

Agreement "CP"—Resolution Authorizing Release of Checks to All But Lowest and Next to Lowest of Bidders for Changes in Railroad Structure to Provide for Crossover on Section No. 5 of Route No. 8—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on August 23, 1923, for making changes in the railroad structure to provide for a crossover on Section No. 5 of Route No. 8, Agreement "CP", the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders the certified checks in the sum of One thousand dollars (\$1,000) deposited with their bids.

1178—R. T. 7644

Agreement "CP"—Report by Chief Engineer as to Receipt of Bids for Changes in Railroad Structure to Provide for Crossover on Section No. 5 of Route No. 8 and Recommendation for Award of Contract to David Levy at Bid Price of \$47,147.75—Approval Resolution—Requisition Upon Board of Estimate and Apportionment

The following report was approved:

August 25, 1923.

THE TRANSIT COMMISSION.

Award of Contract, Agreement "CP", Making Changes in the Railroad Structure to Provide for Crossover, Route 8, Section 5, Bushwick Avenue, Borough of Brooklyn, to Mr. David Levy.

On August 23, 1923, the following bids were received for work under Agreement "CP", Making Changes in the Railroad Structure to Provide for Crossover, Route 8, Section 5, Bushwick Avenue, Borough of Brooklyn:

Name	Address	Amount
David Levy	303 5th Ave., N.Y.C.....	\$47,147.75
D. C. Serber.....	451 West 16th St., N.Y.C.....	48,745.00
M. A. Charles.....	6831 Ridge Blvd., Brooklyn.....	52,444.50
Ward & Tully, Inc.....	189 Montague St., Brooklyn.....	57,610.00
Hitchcock & Groves.....	3914 Woolworth Bldg., N.Y.C.....	59,912.50
Lustig & Weil.....	103 Park Ave., N.Y.C.....	64,955.00
T. H. Reynolds Contr'g. Co., Inc....	50 Park Place, N.Y.C.....	68,750.00
Slattery Engr'g. & Constr. Co., Inc..	10 East 43rd St., N.Y.C.....	77,740.00

This work is needed to be able to turn trains at the Montrose Street Station of the 14th Street-Eastern Line, the last station in Brooklyn of the subway portion of this line, as soon as this portion is ready for operation. Our estimate for this work is \$60,225.00.

I have looked over the bids submitted and find the prices given by the lowest bidder reasonable.

David Levy, the lowest bidder, has not previously done any work for the Commission. He has, however, done work under his own name for the Board of Education, and as member of the firm of Barndave Corporation for different private concerns in New York City. The Deputy Superintendent of School Buildings in Queens, Board of Education, speaks of him in very high terms. Mr. Holland, Chief Engineer of the Interstate Vehicular Tunnel, for whom Mr. Levy has done work, also speaks of him in high terms and this applies also to a number of other parties with whom inquiries were made. Mr. Levy has associated with him as Superintendent of his work Mr. N. A. Ryan, whom I judge, from my interview with him in my office on August 24th, to be a man of wide experience in different classes of structural work.

Attached, I send you copy of minutes of a conference in my office on August 24th with Mr. David Levy and also copy of a financial statement furnished by him. In accordance with this statement, he has available in his own name a little more than \$4,200.00 for this work. Besides this, Mr. Levy has presented letters to the Commission from his father and sisters in which it is stated that they are willing to advance to Mr. David Levy, without security, an amount aggregating about \$40,000.00 which seems sufficient to carry through this work successfully.

Recommendation: I recommend that the contract for work under Agreement "CP", Making Changes in the Railroad Structure to Provide for Crossover, Route 8, Section 5, Bushwick Avenue, Borough of Brooklyn, be awarded to the lowest bidder, David Levy, at his bid figure of \$47,147.75 and that a request be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed Invitation to Contractors and Form of Contract, Bond and Contractor's Proposal, for making changes in the railroad structure to provide for crossover in that portion of the Fourteenth Street-Eastern Line, known as Section No. 5 of Route No. 8, Bushwick Avenue, Borough of Brooklyn, (Agreement "CP") was heretofore finally adopted by this Commission and subsequent to advertisement duly made bids respectively totalling as follows were received on August 23, 1923:

David Levy	\$47,147.75
D. C. Serber.....	48,745.00
M. A. Charles.....	52,444.50
Ward & Tully, Inc.....	57,610.00
Hitchcock & Groves.....	59,912.50
Lustig & Weil.....	64,955.00
T. H. Reynolds Contr'g. Co., Inc.....	68,750.00
Slattery Engr'g. & Constr. Co., Inc.....	77,740.00

; and

Whereas, The Chief Engineer of this Commission, by communication dated August 25, 1923, has reported that the amount of the low bid is reasonable and that the said David Levy, the low bidder, is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to him and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$47,147.75, the amount estimated to be necessary to meet the obligations of the City under said proposed contract,

Resolved, that the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of David Levy submitted as aforesaid be and the same hereby is accepted and that the said proposed contract for the making of changes in the railroad structure to provide for a crossover in that portion of the Fourteenth Street-Eastern Line, Route No. 8, Section No. 5, Bushwick Avenue, Borough of Brooklyn, (Agreement "CP") be and the same hereby is awarded to said David Levy, subject to its being approved and consented to in form and substance as

required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel, for the consent of said Board and the appropriation of the sum of \$47,147.75, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

August 28, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract between The City of New York, acting by the Transit Commission, and David Levy for the making of changes in the railroad structure in the Fourteenth St.-Eastern Line to provide for a crossover, Route No. 8, Section No. 5, Bushwick Avenue, Borough of Brooklyn (Agreement "CP"), together with a requisition upon your Honorable Board for the appropriation of the sum of Forty-seven thousand one hundred forty-seven dollars and seventy-five cents (\$47,147.75), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on August 23, 1923, respectively totalling as follows:

David Levy	\$47,147.75
D. C. Serber	48,745.00
M. A. Charles	52,444.50
Ward & Tully, Inc.	57,610.00
Hitchcock & Groves	59,912.50
Lustig & Weil	64,955.00
T. H. Reynolds Contr'g. Co. Inc.	68,750.00
Slattery Engr. & Constr. Co. Inc.	77,740.00

The Chief Engineer of this Commission, in a communication dated August 25, 1923, reports that the bid of David Levy, the low bidder, is reasonable and that the said David Levy is competent and financially capable of carrying out the provisions of said proposed contract and the Transit Commission had accepted its said bid and awarded the said proposed contract to the said David Levy, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Forty-seven thousand one hundred forty-seven dollars and seventy-five cents (\$47,147.75) and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund of said City may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Forty-seven thousand one hundred forty-seven dollars and seventy-five cents (\$47,147.75).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a subrequisition under and not in addition to the requisitions heretofore made by your Board for the purpose of carrying out the provisions of the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation and the appropriations made thereunder by your Honorable Board.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1179—R. T. 7602

Route No. 52, Section No. 2—Draft Form of Contract for Construction of Column Foundation for Part of Flushing Route—Resolution Directing Public Hearing Be Held and That Notice Be Advertised

The following resolution was adopted:

Whereas, There is now submitted to this Commission a draft form of proposed contract for the construction of column foundations for Section No. 2 of Route No. 52 (Flushing Route).

Resolved, That before finally fixing the terms and conditions of said proposed contract for the construction of column foundations for Section No. 2 of Route No. 52 (Flushing Route) a public hearing upon the proposed terms and conditions thereof shall be held on the 14th day of September, 1923 at the office of the Transit Commission, No. 49 Lafayette Street, Borough of Manhattan, New York City at eleven-thirty (11:30) o'clock A. M., at which hearing citizens shall be entitled to appear and be heard and that notice of such hearing shall be published in the City Record every day of publication continuously from and including August 30, 1923 to and including September 14, 1923 and on August 31, 1923 and September 7, 1923 in The Morning Telegraph and Flushing Times, daily newspapers published in the City of New York and that such notice shall state that copies of said draft of proposed contract may be obtained at the said office of the Transit Commission on payment of the fee of One dollar (\$1.00) for each copy.

1180—R. T. 7702

Route No. 52, Section No. 2—Draft Form of Contract for Furnishing and Erecting Structural Steel for Part of Flushing Route—Resolution Directing Public Hearing Be Held and That Notice Be Advertised

Whereas, There is now submitted to this Commission a draft form of a proposed contract for furnishing and erecting structural steel for Section No. 2 of Route No. 52 (Flushing Route).

Resolved, That before finally fixing the terms and conditions of said proposed contract for furnishing and erecting structural steel for Section No. 2 of Route No. 52 (Flushing Route), a public hearing upon the proposed terms and conditions thereof shall be held on the 14th day of September, 1923, at the office of the Transit Commission No. 49 Lafayette Street, Borough of Manhattan, New York City, at eleven-thirty (11:30) o'clock A. M., at which hearing citizens shall be entitled to appear and be heard and that notice of such hearing shall be published in the City Record every day of publication continuously from and including August 30, 1923 to and including September 14, 1923 and on August 31, 1923 and September 7, 1923 in Long Island Daily Press and Daily Long Island Farmer and Flushing Journal, daily newspapers published in the City of New York and that such notice shall state that copies of said draft of proposed contract may be obtained at the said office of the Transit Commission upon payment of the fee of One Dollar (\$1.00) for each copy.

1181—R. T. 7664

Route No. 33, Section No. 3—Draft Form of Contract for Construction of Station Finish for Lawrence Street Station—Resolution Directing Public Hearing Be Held and That Notice Be Advertised—Adopted

The following resolution was adopted:

Whereas, There is now submitted to this Commission a draft form of proposed contract for station finish for Lawrence Street Station, Broadway-Fourth Avenue Rapid Transit Railroad, Section No. 3 of Route No. 33.

Resolved, That before finally fixing the terms and conditions of said proposed contract for station finish for Lawrence Street Station, Broadway-Fourth Avenue Rapid Transit Railroad, Section No. 3 of Route No. 33, a public hearing upon the proposed terms and conditions thereof shall be held on the 14th day of September, 1923 at the office of the Transit Commission, No. 49 Lafayette Street, Borough of Manhattan, City of New York, at eleven-thirty (11:30) o'clock A. M., at which hearing citizens shall be entitled to appear and be heard and that notice of such hearing shall be published in

the City Record every day of publication continuously from and including August 30, 1923 to and including September 14, 1923 and on August 31, 1923 and September 7, 1923 in the Brooklyn Daily Eagle and The Brooklyn Daily Times, daily newspapers published in the City of New York and that such notice shall state that copies of said draft of proposed contract may be obtained at the said office of the Transit Commission on payment of the fee of One dollar (\$1.00) for each copy.

1182—R. T. 6114

Contract No. 1—Application by Holbrook, Cabot & Rollins Corporation for Approval of Assignment of Retained Percentages in Sum of \$28,000 to First National Bank of City of Boston—Approval Resolution

An application was presented from Holbrook, Cabot & Rollins Corporation, dated August 28, 1923, requesting approval of a proposed assignment to the First National Bank, of the City of Boston, of retained percentages in the sum of \$28,000, held by the City as security for the completion of the contract for the construction of a new entrance to the 168th Street Station.

The following resolution was adopted:

Whereas, Holbrook, Cabot & Rollins Corporation, by instrument duly signed and acknowledged on the 28th day of August, 1923, has assigned, transferred and set over to the First National Bank of the City of Boston of the Commonwealth of Massachusetts, the sum of \$28,000 of the moneys deducted and retained as additional security pursuant to the provisions of a certain contract dated May 18, 1922 between The City of New York, acting by the Transit Commission and Holbrook, Cabot & Rollins Corporation for the construction of a new entrance to the 168th Street Station of the Manhattan-Bronx Rapid Transit Railroad; and

Whereas, The said Holbrook, Cabot & Rollins Corporation by communication dated August 28, 1923 has made application to this Commission for approval to said assignment; and

Whereas, Counsel to the Commission has examined said assignment and finds no objection thereto.

Resolved, That the said assignment so submitted be and the same hereby is approved, subject to all the terms and conditions in said contract and upon condition further;

FIRST: That said assignment and the consent of this Commission herein given shall in no respect defeat or impair such rights and remedies as subcontractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or service performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

SECOND: That said assignment and the consent of this Commission herein given shall in no respect effect the rights of The City of New York or of this Commission or of any board, officer, agent or employee acting for The City of New York or this Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

THIRD: That this consent shall be of no force or effect unless and until there shall be delivered to this Commission an acceptance by said Holbrook, Cabot & Rollins Corporation, and said First National Bank of the City of Boston of the Commonwealth of Massachusetts in form to be approved by Counsel to this Commission and duly executed and acknowledged accepting the terms of this consent herein given, and unless and until it shall be consented to in writing in form to be approved by Counsel to this Commission by the sureties upon the bond deposited for the faithful performance of said contract.

1183—R. T. 6924

Route No. 33, Section No. 3—Application by New York Rapid Transit Corporation for Approval of Proposed Permit to Brooklyn Edison Company, Inc., to Install Service Pipe Through Subway Ventilator in Front of Premises at No. 56 Willoughby Street, Borough of Brooklyn—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated August 17, 1923, requesting approval of a proposed permit issued to the Brooklyn Edison Company, Inc., to install an electrical service pipe through the subway ventilator in front of the premises at No. 56 Willoughby Street, Borough of Brooklyn.

A report was presented from the Chief Engineer, dated August 24, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, W. S. Menden, as President of the New York Rapid Transit Corporation, successor to the rights and obligations under said Contract No. 4, has, by communication dated August 17, 1923, submitted for the approval of this Commission a proposed permit dated August 14, 1923, by New York Rapid Transit Corporation to Brooklyn Edison Company, Inc., granting the right to the latter company to install through the subway ventilator an electrical service pipe in front of the premises at No. 56 Willoughby Street, Brooklyn; and

Whereas, The Chief Engineer of this Commission, by communication dated August 24, 1923, has reported that said proposed permit has been examined by his office and found satisfactory from an engineering standpoint and recommends the approval thereof; and

Whereas, Counsel to this Commission has examined said proposed permit and finds no objection thereto;

Resolved, That said permit so submitted be and the same hereby is approved and that the Secretary of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

1184—R. T. 6924

Routes Nos. 36 and 37—Application by New York and Queens Electric Light and Power Company for Approval of a Proposed Permit to Attach Lighting Fixtures, Conduits and Wires to Elevated Structure on Roosevelt Avenue, Borough of Queens—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York and Queens Electric Light and Power Company by L. J. Montgomery, Assistant General Sales Manager, dated July 18, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company for the attachment of street lighting fixtures, conduits and wires to the elevated structure of the Queensboro Subway Rapid Transit Railroad on Roosevelt Avenue, Borough of Queens.

A report was presented from the Chief Engineer dated August 22, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, L. J. Montgomery, Assistant General Sales Manager of New York and Queens Electric Light and Power Company, by communication dated July 18, 1923 has submitted for approval of this Commission a proposed permit dated May 3, 1923 issued

by Interborough Rapid Transit Company to said New York and Queens Electric Light and Power Company and accepted by said latter company May 3, 1923, subject to the approval of this commission, granting the right to attach certain street lighting fixtures, conduits and wires to the Queensboro Subway Rapid Transit Railroad on Roosevelt Avenue in the Borough of Queens; and

Whereas, The Chief Engineer of this Commission by communication dated August 22, 1923 has recommended that the said proposed permit be approved; and

Whereas, Counsel has examined said proposed permit and finds no objection thereto, Resolved, That the said recommendation be and the same hereby is approved; that the said proposed permit so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

1185—R. T. 6420, 7007

Additional Tracks—Application by Interborough Rapid Transit Company for Approval of Conversion of Five Elevated Passenger Cars Into Flat Cars—Report by Auditor of Rapid Transit Costs, Chief of Bureau of Accounting and Valuations and Chief Engineer Recommending Approval, Classifying Cost and Assigning Work Order No. IMR-1—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated July 30, 1923, requesting approval to the conversion of five old passenger elevated cars into flat cars.

A report was presented from the Auditor of Rapid Transit Costs, the Chief of the Bureau of Accounting and Valuations and the Chief Engineer dated August 21, 1923, recommending that the application be approved and classifying the cost as a Replacement of Existing Manhattan Railroad payable out of the portion of the Depreciation Fund made available by Retirements and assigning Work Order No. IMR-1 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the certificate dated March 19, 1913 granted by the Public Service Commission for the First District to Interborough Rapid Transit Company for certain elevated railroad extensions and pursuant also to the provisions of the certificate dated March 19, 1913 granted to Manhattan Railway Company by said Public Service Commission for the First District for additional tracks on existing elevated lines, Interborough Rapid Transit Company as Lessee of said Manhattan Railway Company by communication dated July 30, 1923 has requested the approval of this Commission to the conversion of five old open type Manhattan cars into flat cars, the cost to be charged as a displacement against the depreciation reserve; and

Whereas, The Auditor of Rapid Transit Costs, the Chief of the Bureau of Accounting and Valuations and the Chief Engineer of this Commission, have, by communication dated August 21, 1923, reported as follows:

"These cars are of the old open type trailer cars, built in 1902 at a cost of \$2,453.58 each and are no longer needed for passenger service. The original cost of that portion of the car body to be removed is estimated at \$700. each and the salvage on the parts retired is negligible. The cost of conversion into flat cars is estimated at \$675. each.

The following is a tentative list of Manhattan cars proposed for conversion:

Number	Builder
1221	Jewett Car Co.
1228	" " "
1240	" " "
1245	American Car and Foundry Co.
1247	" " "

The proposed work is desirable from an engineering standpoint and there will be made available in the Depreciation Fund by the retirement of the portion

of the cars mentioned more than sufficient to meet the cost of the proposed conversion.

It is recommended:

(1) That the proposed work be approved, the cost of new parts and incidental rearrangement of old parts to be classified as a Replacement of Existing Manhattan Railroad payable out of that portion of the moneys of the Depreciation Fund made available by Retirements due to the present work; and that Work Order Number IMR-1 be assigned thereto.

(2) That the Company account for the salvage, including the cost of removing all parts removed, the net final amount to be withdrawn from or paid into (as the case may be) the Depreciation Fund; and that the original cost of the parts displaced be retired from Fixed Capital, Manhattan Railway Company, and made available in the Depreciation Fund for expenditure on the present work."

Resolved, That said report and recommendation be and the same hereby are approved; that the application of Interborough Rapid Transit Company aforesaid be and the same hereby is approved and the Chief Engineer be and hereby is authorized and directed to approve of the substitution of any other car for any of the five mentioned in the foregoing tentative list, it being understood that the foregoing approval is upon the following conditions:

(1) That the proposed work be approved, the cost of new parts and incidental rearrangement of old parts to be classified as a Replacement of Existing Manhattan Railroad payable out of that portion of the moneys of the Depreciation Fund made available by Retirements due to the present work, and as to which this Commission assigns Work Order Number IMR-1.

(2) That the Company account for the salvage, including the cost of removing all parts removed, the net final amount to be withdrawn from or paid into (as the case may be) the Depreciation Fund; and that the original cost of the parts displaced be retired from Fixed Capital, Manhattan Railway Company, and made available in the Depreciation Fund for expenditure on the present work.

1186—R. T. 6420, 6761

Additional Tracks—Application by Interborough Rapid Transit Company for Approval of Purchase of Welding Machine for Installation in 129th Street and Third Avenue Construction Shop—Report by Acting Engineer of Equipment and Operation and Chief Engineer, Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated August 8, 1923, requesting approval to the purchase of one Alternarc Welding Machine, from the Electric Arc Welding and Cutting Company, for installation in the 129th Street and 3rd Avenue Construction Shop, at a total cost of \$1,000.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated August 17, 1923, stating that the welding apparatus is necessary and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additions to Existing Manhattan Railroad, and assigning Work Order No. IMA-3 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the certificate dated March 19, 1913, granted by the Public Service Commission for the First District to Manhattan Railway Company for additional tracks on the Second Avenue, Third Avenue and Ninth Avenue Elevated Lines, Interborough Rapid Transit Company, as Lessee of said Manhattan Railway Company, by communication dated August 8, 1923, has submitted for the approval of this Commission its proposal to purchase one Alternarc Welding Machine from the Electric Arc Cutting and Welding Co. and the installation thereof in the

129th Street and Third Avenue Construction Shop at a total approximate cost of \$1,000; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated August 17, 1923, reported that no bids were taken on this apparatus; that the welding machine consists of a portable transformer, a carbon welding point and a shield for the operator; that the machine is already installed and in service; that the welding apparatus is necessary for construction work carried on in this shop; that the price of \$700 for the welding machine and the approximate cost of \$300 for its installation are reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated August 21, 1923, has recommended that the cost be classified as Additions to Existing Manhattan Railroad and that Work Order No. IMA-3 be assigned thereto; and

Whereas, A stipulation dated March 9, 1923, has been entered into between The City of New York, acting by the Transit Commission, and said Interborough Rapid Transit Company with respect to the proper interpretation and meaning of the provisions of said additional track certificate and the certificate for elevated extensions allied therewith in particular relation to betterments, improvements or additions to the existing Manhattan railroads,

Resolved, That said reports and recommendations be and the same hereby are approved; that pursuant to said additional track certificate and said stipulation of March 9, 1923, this Commission approves said proposal to install such Alternarc Welding Machine upon condition that the cost thereof shall be classified as Additions to Existing Manhattan Railroad and as to which this Commission assigns Work Order No. IMA-3.

1187—R. T. 6420, 6761

Additional Tracks—Application by Interborough Rapid Transit Company for Approval of Purchase of Power Punch Press for 98th Street Shop—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 3, 1923, requesting approval to the purchase of one power punch press from E. W. Bliss Company for installation in the 98th Street Shop at a total cost of \$1,300.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated August 20, 1923, stating that the cost is reasonable and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additions to Existing Manhattan Railroad and assigning Work Order No. IMA-4 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the certificate dated March 19, 1913 granted by the Public Service Commission for the First District to Manhattan Railway Company for additional tracks on the Second Avenue, Third Avenue and Ninth Avenue Elevated Lines, Interborough Rapid Transit Company, as Lessee of said Manhattan Railway Company, by communication dated August 3, 1923, has submitted for the approval of this Commission its proposal to purchase one power punch press from the E. W. Bliss Co. and the installation thereof in the 98th Street Shop, Manhattan Division, at a total approximate cost of \$1300; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated August 20, 1923, reported that the punch press has been installed and is in service in the 98th Street Shop, where it is needed for the manufacture of equipment repair parts; that the approximate cost of \$1300. is reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated August 21, 1923, has recommended that the cost be classified as Additions to Existing Manhattan Railroad and that Work Order Number IMA-4 be assigned thereto; and

Whereas, A stipulation dated March 9, 1923 has been entered into between The City of New York, acting by the Transit Commission, and said Interborough Rapid Transit Company with respect to the proper interpretation and meaning of the provisions of said additional track certificate and the certificate for elevated extensions allied therewith in particular relation to betterments, improvements or additions to the existing Manhattan railroads.

Resolved, That said reports and recommendations be and the same hereby are approved; that pursuant to said additional track certificate and said stipulation of March 9, 1923 this Commission approves said proposal to install such power punch press upon condition that the cost thereof shall be classified as Additions to Existing Manhattan Railroad and as to which this Commission assigns Work Order Number IMA-4.

1188—R. T. 6420, 6761

Additional Tracks—Application by Interborough Rapid Transit Company for Approval of Installation of Toilets in Inspection Barn at 128th Street and Second Avenue—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 6, 1923, requesting approval to the installation of three toilets in the inspection barn at 128th Street and Second Avenue at an estimated cost of \$1500.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated August 18, 1923, stating that the additional facilities are necessary and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additions to Existing Manhattan Railroad and assigning Work Order No. IBA-5.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the certificate dated March 19, 1913, granted by the Public Service Commission for the First District to Manhattan Railway Company for additional tracks on the Second Avenue, Third Avenue and Ninth Avenue Elevated Lines, Interborough Rapid Transit Company, as Lessee of said Manhattan Railway Company, by communication dated August 6, 1923, has submitted for the approval of this Commission its proposal to install three toilets in the inspection barn at 128th Street and Second Avenue, at an estimated total cost of \$1500; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated August 18, 1923, reported that the present toilet facilities at said barn are inadequate and that the additional facilities are necessary; that the estimated cost of \$1500 is reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated August 21, 1923, has recommended that the cost of such work, in so far as it is a betterment, be classified as Additions to Existing Manhattan Railroad and that Work Order No. IMA-5 be assigned thereto, the remainder of the cost of such work to be charged to Maintenance; and

Whereas, A stipulation dated March 9, 1923, has been entered into between The City of New York, acting by the Transit Commission, and said Interborough Rapid Transit Company with respect to the proper interpretation and meaning of the provisions of said additional track certificate and the certificate for elevated extensions allied therewith in particular relation to betterments, improvements or additions to the existing Manhattan railroads,

Resolved, That said reports and recommendations be and the same hereby are approved; that pursuant to said additional track certificate and said stipulation of March 9, 1923, this Commission approves said proposal to install such additional toilet facilities upon condition that the cost thereof, in so far as it is a betterment shall be classified as Additions to Existing Manhattan Railroad and as to which this Commission assigns Work Order No. IMA-5, the balance of the cost of such work to be charged to Maintenance.

1189—R. T. 6506

Contract No. 4—Resolution Approving Stipulation with New York Municipal Railway Corporation as to Amount and Classification of Depreciation for Year Ended June 30, 1923, and Agreeing Upon Tentative Amount for Year Ending June 30, 1924—Adopted

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, and particularly to the provisions of Section 5 of Article XLIX with respect to the determination of the classification and amount of depreciation and excess maintenance, the Transit Commission and the representative of the New York Rapid Transit Corporation (successor to New York Municipal Railway Corporation, New York Consolidated Railroad Company and Lindley M. Garrison, as Receiver of said New York Municipal Railway Corporation and New York Consolidated Railroad Company), have this day met and determined, in accordance with the provisions of said contract the amount of depreciation and excess maintenance, which agreement has been set forth in the following stipulation:

Stipulation entered into between The City of New York, acting by the Transit Commission (hereinafter referred to as the "Commission"); New York Rapid Transit Corporation (hereinafter referred to as the "Transit Corporation"), [successor to New York Municipal Railway Corporation (hereinafter referred to as the "Railway Corporation") and Lindley M. Garrison, as Receiver of the New York Municipal Railway Corporation (hereinafter referred to as the "Receiver of the Railway Corporation"); and New York Consolidated Railroad Company (hereinafter referred to as the "Railroad Company") and Lindley M. Garrison as Receiver of the New York Consolidated Railroad Company (hereinafter referred to as the "Receiver of the Railroad Company")]:

Whereas, The Contract dated March 19, 1913 (known and hereinafter referred to as "Contract No. 4") between The City of New York, acting by Public Service Commission for the First District and New York Municipal Railway Corporation, provides in Section 5 of Article XLIX thereof, in part as follows:

'Within thirty (30) days after the thirtieth day of June following the beginning of such temporary operation and annually thereafter the Commission and the Lessee shall determine the classification and amount of depreciation and excess maintenance not covered by the amount set aside under paragraph 4 of this Article, during the preceding fiscal year, and the deduction [from Revenue] for such year shall thereupon be adjusted to conform with such determination', and

Whereas, By agreement of assignment and lease, dated March 25, 1913, duly consented to by the said Public Service Commission, the Railway Corporation assigned to the Railroad Company its rights and obligations under Contract No. 4 with respect to operation and maintenance; and

Whereas, The Commission has succeeded to the rights and obligations of the Public Service Commission for the First District as described in said Contract No. 4; and

Whereas, Lindley M. Garrison was duly appointed and qualified as Receiver of the Railway Corporation and as Receiver of the Railroad Company; and

Whereas, On June 4, 1923, the Railway Corporation was merged into and with the Railroad Company; and

Whereas, The Transit Corporation has succeeded to all the rights and obligations of the Railway Corporation, the Railroad Company and of the Receiver of the Railway Corporation and of the Receiver of the Railroad Company, as described in said Contract No. 4 and otherwise; and

Whereas, The parties hereto have determined and agreed as to the amount of Depreciation and of Excess Maintenance for the fiscal year ending June 30, 1923, as the terms "Depreciation" and "Excess Maintenance" are used in Contract No. 4, and also determined and agreed as to the tentative amount of Depreciation to be paid into

the Depreciation Funds under Contract No. 4 for the fiscal year ending June 30, 1924. Now, therefore, the parties hereto, in order to clearly set forth the determination so made and the agreements reached, do hereby stipulate and agree as follows:

- (1) That for the fiscal year ended June 30, 1923:
- | | |
|--|-----------------------|
| (a) The amount of depreciation is determined to be..... | \$300,000.00 |
| (b) The amount of excess maintenance is determined to be, as shown by the books of the Lessee, subject, however, to subsequent audit and verification by the Commission... | 1,296,911.22 |
| (c) The total deduction, as defined in Article XLIX, Section 5 of Contract 4, is determined to be..... | <u>\$1,596,911.22</u> |
- (2) That the classification of the above total deduction shall be as follows:
- | | |
|--|-----------------------|
| Depreciation Fund for the Railroad and Equipment..... | \$766,517.39 |
| Depreciation Fund for the Plant and Property of the Extensions and Additional Tracks | 15,969.11 |
| Depreciation Fund for the Existing Railroads..... | 814,424.72 |
| Total..... | <u>\$1,596,911.22</u> |
- (3) That withdrawals of the said amount of excess maintenance for the fiscal year ended June 30, 1923, shall be made from the Depreciation Funds, in accordance with the provisions of Contract No. 4, on the following basis:
- | | |
|---|-----------------------|
| Depreciation Fund for the Railroad and Equipment..... | \$622,517.39 |
| Depreciation Fund for the Plant and Property of the Extensions and Additional Tracks..... | 12,969.11 |
| Depreciation Fund for the Existing Railroads..... | 661,424.72 |
| Total..... | <u>\$1,296,911.22</u> |
- (4) That the balance, representing depreciation for the fiscal year ended June 30, 1923, remaining in each of the funds, shall be as follows:
- | | |
|---|---------------------|
| Depreciation Fund for the Railroad and Equipment..... | \$144,000.00 |
| Depreciation Fund for the Plant and Property of the Extensions and Additional Tracks..... | 3,000.00 |
| Depreciation Fund for the Existing Railroads..... | 153,000.00 |
| Total..... | <u>\$300,000.00</u> |

It is further stipulated and agreed that for the purpose of accounting and reporting during the fiscal year ending June 30, 1924, the amount of depreciation shall be fixed tentatively at \$300,000 the sum of \$25,000 to be credited to the Depreciation Funds for each of the twelve months in the fiscal year, it being understood and agreed that if the Maintenance Fund of 12% of the Revenues in any month, shall either be in excess of or less than the actual maintenance charges, such excess or deficiency in the maintenance fund shall be deducted from or added to the monthly sum to be credited to the Depreciation Funds, so as to insure that the said Depreciation Funds shall be increased during the fiscal year ending June 30, 1924, by the sum of \$300,000.

That the classification of the said \$25,000, each month during the fiscal year ending June 30, 1924, shall be as follows:

Depreciation Fund for the Railroad and Equipment.....	48%
Depreciation Fund for the plant and Property of the Extensions and Additional Tracks	1%
Depreciation Fund for the Existing Railroads.....	51%

In Witness Whereof, The parties here herunto set their hands and official seals." Resolved, That said stipulation be and the same hereby is approved and that the Chairman and the Secretary of this Commission be and they hereby are authorized to execute and deliver said stipulation.

1190—Case 2679

Brooklyn Rapid Transit Company—Application of Stockholders' Committee for Approval of Reorganization Plan—Supplemental Application No. 3 of New York Rapid Transit Corporation for Approval of Issuance of Stock and Refunding Mortgages and Approval of Assignment of Contract No. 4—Hearing Order Adopted

The Acting Secretary presented Supplemental Application No. 3 in Case No. 2679, of the New York Rapid Transit Corporation, asking for the approval of the issuance of 189,000 shares of common stock without nominal or par value and the execution of mortgages to the Chase National Bank and the Central Union Trust Company of New York, and for the further approval of the assignment to itself of Contract No. 4.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2679, directing a hearing on August 30, 1923 at 11 A. M. with respect to the matter.

1191—Case 2696

South Brooklyn Railway Company—Petition for Approval of Purchase of Capital Stock of Prospect Park & South Brooklyn Railroad Company et Al. and Merger of Said Companies—Hearing Order With Notice Adopted

The Acting Secretary presented a petition, verified August 20, 1923, of the South Brooklyn Railway Company, by A. R. Piper, President, requesting permission to acquire the capital stock of the Prospect Park & South Brooklyn Railroad Company and of the New York & Coney Island Railroad Company and to merge said companies and the Prospect Park & Coney Island Railroad Company.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2696, directing a hearing on September 12, 1923 at 11 A. M., with respect to the above application and requiring the publication of notice thereof.

1192—S. P. 751

Richmond Light and Railroad Company—Application for Permission to Put Into Effect New Schedule Effective August 1, 1923, Showing Termination of Receivership and Return of Property to Company—Special Permission Approved

The Acting Secretary presented a communication, dated August 28, 1923, from the Richmond Light and Railroad Company, by R. L. Rand, General Manager, requesting permission to put into effect on August 1, 1923, nunc pro tunc, new tariff schedule providing for the change of its operator, the termination of the Receivership and the return of the property to the Company. The Acting Secretary also presented his report, dated August 28, 1923, recommending the granting of the application.

Thereupon the Commission approved and ordered filed Special Permission No. 751, granting the desired permission and providing that the same should take effect as of midnight July 31, 1923.

1193—Case 2693

Union Railway Company of New York City—Resumption of Service on Morris Park Avenue—Report and Opinion by Acting Chief Executive Officer Approved—Order Directing Resumption of Service Adopted

The Acting Secretary presented a report and opinion, dated August 27, 1923, by George L. Lucas, Acting Chief Executive Officer, recommending that the Order in

[August 28, 1923

Case No. 2158, adopted by the Public Service Commission for the First District on November 6, 1916, authorizing temporary discontinuance of operation on Morris Park Avenue be revoked and that the Union Railway Company of New York City be directed to realign and recondition its tracks and resume operation on said avenue.

Thereupon the Commission approved the above mentioned Report and Opinion in Case No. 2693, and adopted and ordered filed an Order in Case No. 2693 in the following form:

Present:

LEROY T. HARKNESS, Acting Chairman, JOHN F. O'RYAN,	}	Commissioners.
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IN THE MATTER
of the
Investigation by the Transit Commission of the suspension of service by the Union Railway Company of New York City on Morris Park Avenue from Bronxdale Avenue to Williamsbridge Road.

CASE No. 2693
HEARING ORDER

The Public Service Commission for the First District having on November 6, 1916, adopted a Resolution in Case No. 2158 permitting the Union Railway Company of New York City to temporarily suspend service on a certain portion of its Morris Park Avenue Line, and it appearing that at the present time the company has not resumed said service but has ceased operation on the said line on Morris Park Avenue from Bronxdale Avenue to Williamsbridge Road in the Borough of The Bronx, City of New York, it is

Ordered, That a hearing be held herein before the Commission at its Hearing Rooms, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 30th day of July, 1923 at 10:30 A. M. for the purpose of determining whether or not an order should be made directing a resumption of service on its Morris Park Avenue Line between Bronxdale Avenue and Williamsbridge Road.

Ordered, That notice of this hearing be given to the Union Railway Company of New York City, The Bronx Traction Company, and The City of New York, by service of a certified copy of this Order in the manner provided in Section 23 of the Public Service Commission Law.

And It Is Further Ordered and certified that George L. Lucas, Acting Chief Executive Officer of the Commission, be and he is hereby, pursuant to Sections 8 and 11 of the Public Service Commission Law, authorized and designated to conduct said hearing, to take the testimony therein and report the same to the Commission with his opinion thereon for its decision and determination.

By THE COMMISSION,
FRANK N. ROBINSON,
Acting Secretary.

1194—Case 1379

New York Rapid Transit Corporation—Monthly Reports—Extension Order Adopted

The Acting Secretary presented a communication, dated August 21, 1923, from M. B. Hoffman, Assistant Counsel of the New York Rapid Transit Corporation, requesting an extension of time to October 1, 1923, within which to file monthly report for June, 1923, as required by the Commission's Order in Case No. 1379. The Acting Secretary also presented a report, dated August 24, 1923, from Harry S. Fischer, Statistician, approved by John E. Cooper, Chief, Bureau of Accounting & Valuations, recommending the granting of an extension of time to September 10, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1379, extending the company's time to September 10, 1923.

1195—Case 1399**New York Rapid Transit Corporation et al.—Quarterly Reports—Extension Order Adopted**

The Acting Secretary presented a communication, dated August 21, 1923, from M. B. Hoffman, requesting on behalf of the New York Rapid Transit Corporation, New York Consolidated Railroad Company and Lindley M. Garrison, as Receiver, thereof, an extension of time to October 1, 1923, within which to file quarterly reports for the quarter ended June 30, 1923, pursuant to the Commission's Filing Order in Case No. 1399. The Acting Secretary also presented a report, dated August 24, 1923, from Harry S. Fischer, Statistician, approved by John E. Cooper, Chief, Bureau of Accounting & Valuations, recommending an extension of time to September 10, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1399, granting an extension of time to September 10, 1923.

1196—Case 2627**Interborough Rapid Transit Company—Service and Equipment—Extension Order Adopted**

The Acting Secretary presented a communication, dated August 27, 1923, from Frank Hedley, President & General Manager of the Interborough Rapid Transit Company, requesting an extension of time to September 12, 1923, within which to notify the Commission whether Service Order "B", as amended August 22, 1923, was accepted and would be obeyed.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2627, granting an extension of time to September 10, 1923.

1197—Case 2694**Third Avenue Railway System—Promulgation of Rules to Employees in Case of Accident—Communication from Company Transmitting Rules Promulgated to Employees—Filed**

The Acting Secretary presented a communication, dated August 23, 1923, from Garrow T. Geer, Secretary of the Third Avenue Railway System, transmitting copy of rules promulgated to employees of the companies comprising the Third Avenue Railway System, as required by the Commission's Order in Case No. 2694.

Thereupon the above mentioned papers were ordered filed.

1198—R. T. 6989**Route No. 18—Statement as to Execution and Delivery of Original Agreement for Installation of Additional Tracks and Miscellaneous Work in 180th Street Yard—Agreement Filed**

The Commission ordered filed, an original agreement, dated July 25, 1923, between the City of New York, acting by the Transit Commission and Interborough Rapid Transit Company, for the installation of additional tracks and other miscellaneous work in the 180th Street Yard of the White Plains Road—Rapid Transit Railroad, which agreement had been executed on behalf of both parties, and delivered on August 23, 1923.

1199—R. T. 7565

Routes Nos. 16 and 18—Statement as to Execution and Delivery of Original Agreement for Additional Waiting Rooms at 219th Street Station and Kingsbridge Road Station—Agreement Filed

The Commission ordered filed, an original agreement dated April 6, 1923, between the City of New York, acting by the Transit Commission and the Interborough Rapid Transit Company, for the construction of an additional waiting room on the northbound platform of the 219th Street Station of the White Plains Road Line—Route No. 18; and the construction of an additional waiting room on the northbound platform of the Kingsbridge Road Station of the Jerome Avenue Line, Route No. 16, which agreement had been executed on behalf of both parties, and delivered on August 23, 1923.

1200—R. T. 7522

Agreement "CM"—Notice by Chief Engineer of Commencement of Work for Changes in Structure so as to Permit Raising of Grade of North Jane Street—Filed

The Commission ordered filed, a notice from the Chief Engineer, dated August 22, 1923, advising of the commencement of work by Hamme & Jackson, Inc., on August 20, 1923, for making changes in the subway structure, so as to permit the raising of the grade in North Jane Street, Borough of Queens—Agreement "CM".

1201—R. T. 6761

Contract No. 3—Letter from Interborough Rapid Transit Company Submitting Copies of Three Agreements for Fire Alarm Service in Inspection Barns—Filed

The Commission ordered filed a letter from the Interborough Rapid Transit Company, dated August 16, 1923, submitting copies of three agreements, two dated July 2, 1923, and one dated July 19, 1923, with the National District Telegraph Company for fire alarm service in the inspection barns at 180th Street and Morris Park Avenue, Jerome and Van Cortlandt Avenues and 166th Street and Whitlock Avenue.

1202

Fees Received During July, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of July, 1923, fees, etc., to the amount of \$239.67 and refunds of rental from rapid transit real estate to the amount of \$4,450, had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$239.67 to be accredited to the General Fund of The City of New York and the sum of \$4,450 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

1203

Employees' Calendar No. 161

On motion, duly seconded the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employes:

Appointment—John J. Casey, architectural draftsman, at \$150.08 per month, to take effect August 11, 1923; Nicholas Cohen, junior assistant, at \$125.08 per month, to take effect August 27, 1923; James A. Fitzpatrick, transit inspector, at \$125.08 per month, to take effect August 27, 1923.

Appointments under Rule VIII:4—Maurice Barrat, junior assistant, at \$125.08 per month, to take effect August 23, 1923; Frederick T. Brown, junior assistant, at \$125.08 per month, to take effect August 28, 1923; Sidney R. Brown, draftsman, at \$150.08 per month, to take effect August 24, 1923; James P. Carmody, inspector of steel, at \$175.00 per month, to take effect August 27, 1923; Sylvester Catalanatto, junior assistant, at \$125.08 per month, to take effect August 22, 1923; Stephen G. De Mahy, draftsman, at \$150.08 per month, to take effect August 22, 1923; Charles E. Downey, architectural draftsman, at \$150.08 per month, to take effect August 22, 1923; William Fierstein, draftsman, at \$150.08 per month, to take effect August 27, 1923; Justin D. Graves, junior assistant, at \$125.08 per month, to take effect August 28, 1923; William F. Johnson, draftsman, at \$150.08 per month, to take effect August 28, 1923; Edward V. Maitland, junior assistant, at \$125.08 per month, to take effect August 22, 1923; Henry Reich, junior assistant, at \$125.08 per month, to take effect August 16, 1923; James E. Sampson, draftsman, at \$150.08 per month, to take effect August 21, 1923; Samuel Steinfeld, draftsman, at \$150.08 per month, to take effect August 21, 1923; Setrag A. Sulahian, draftsman, at \$150.08 per month, to take effect August 22, 1923; Alfred M. Wyman, draftsman, at \$150.08 per month, to take effect August 21, 1923.

Resignations—Edmond G. Bouysson, junior clerk, at \$60.00 per month, to take effect August 31, 1923; John J. Casey, junior assistant, at \$125.08 per month, to take effect August 10, 1923; Stephen Frankel, junior clerk, at \$60.00 per month, to take effect September 4, 1923; Benjamin Friedenber, junior assistant, at \$125.08 per month, to take effect August 18, 1923; Robert Gilbert, junior clerk, at \$60.00 per month, to take effect August 31, 1923; Charles E. Marlor, inspector of steel, at \$175.00 per month, to take effect August 15, 1923; Edward Schmidt, junior assistant, at \$125.08 per month, to take effect August 31, 1923; Arthur G. Pennefather, junior engineer, at \$162.50 per month, to take effect August 28, 1923; Max Plentl, clerk, at \$70.00 per month, to take effect August 31, 1923.

Appointment under Rule V:4—Max A. Plentl, laborer, at \$100.00 per month, to take effect September 1, 1923.

Leave of Absence with Pay—Julia Mollahan, clerk, from September 1, 1923, to November 30, 1923.

1204

Voucher Schedule No. 35

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct.

Vouchers Nos. 153 to 161; Regular Payrolls; \$87,116.34; Voucher No. 18, Special Payroll, \$1,250; Voucher No. CM-17, State Payroll, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Materials Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 225; Fox Reynolds Co., Inc.; Approximate Estimate No. 4 for completion of newstand enclosures at stations; (R.T. 7419), \$2,088.09.

Voucher No. 226; Rosenthal Engineering Contracting Company, Inc.; Approximate Estimate No. 6 for construction of foundations for third addition to shops at Lenox Avenue and 148th Street Yard (R. T. 7589), \$11,996.92.

1205

Upon motion, duly seconded and adopted, the meeting was adjourned to Thursday, September 6, 1923.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Thursday, August 30, 1923

1206

Hearing

The following hearing was held:

11 A. M.; Case No. 2679; Brooklyn Rapid Transit Company; Application of Stockholders' Committee for approval of Plan of Reorganization. Commissioner Harkness presided. Adjourned subject to call.

FRANK N. ROBINSON,
Acting Secretary.

PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street

Borough of Manhattan, City of New York

Proceedings for Wednesday, September 5, 1923

1207

Hearings

The following hearing was held:

10:30 A. M.; Case No. 2692; The Long Island Railroad Company and the Pennsylvania Tunnel and Terminal Railroad Company; Application for approval of an agreement for trackage rights into and the use of the Pennsylvania Station. Commissioner Harkness presided. Adjourned subject to call.

The following hearings were adjourned:

R. T. 4007; Interborough Rapid Transit Company; Lengthening of platforms at local stations. Adjourned to September 6, 1923 at 11 A. M.

Case No. 2695; Interborough Rapid Transit Company; Hearing on proposed reconstruction of 33rd Street station of the East Side Subway from local to express stop. Adjourned to September 6, 1923 at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, September 6, 1923

Present: George McAney, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1208—R. T. 7689

Contract No. 1—Application by Interborough Rapid Transit Company for Approval of Installation of Additional Enamel Station Signs at Certain Stations—Report by Chief Engineer Recommending Approval—Approval Resolution—Requisition upon Board of Estimate and Apportionment for \$85 as City's Share—Work Order No. ICcA-6

An application was presented from the Interborough Rapid Transit Company dated August 16, 1923, requesting approval to the installation of additional station signs at the Jackson Avenue, Simpson Street, Freeman Street, 174th Street and 177th Street stations at an estimated cost of \$170.

A report was presented from the Chief Engineer dated August 21, 1923, stating that the additional signs are needed and recommending that a requisition be made upon

the Board of Estimate and Apportionment for the appropriation of \$85.00 as the City's share of the cost of the work, which report was endorsed by the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, classifying the work as Construction of addition to Existing Railroads and assigning Work Order No. ICcA-6 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, and particularly Article LXX and LXXI, Frank Hedley, as President and General Manager of said Interborough Rapid Transit Company has by communication dated August 16, 1923, requested the approval of this Commission to the installation of additional standard enamelled station signs on the following stations of the Railroad and Existing Railroads as described in said Contract No. 3:

Station	Sign	Location
Jackson Avenue, Up	Two	Bet. station building and south end
Simpson Street, Up	One	At station building
Simpson Street, Down	One	At station building
Freeman Street, Up	One	At station building
Freeman Street, Down	One	At station building
174th Street, Up	One	At station building
174th Street, Down	One	At station building
177th Street, Up	One	At station building, north end

at an estimated cost of \$170; and

Whereas, By communication dated August 31, 1923, the Chief Engineer of this Commission has reported that the additional signs are needed; that the estimate is reasonable and recommends that said proposal be approved and that a requisition be made upon the Board of Estimate and Apportionment for the appropriation of the sum of eighty-five dollars (\$85), being one-half of the estimated cost of the nine signs; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by endorsement dated September 5, 1923 recommended that the cost of such signs be classified as Construction of Additions to Existing Railroads and that Work Order No. ICcA-6 be assigned thereto; and

Whereas, Said Contract No. 3 provides in said Article LXX thereof that if the direction of this Commission with respect to the provision of Addition has reference to Construction the cost of complying therewith shall be shared equally by the City and by the Lessee; and

Whereas, Counsel has prepared and submitted a proposed requisition upon the Board of Estimate and Apportionment for the appropriation of one-half of said estimated cost for the performance of such work,

Resolved, That said reports and recommendations be and the same hereby are approved; that the proposal of Interborough Rapid Transit Company to install such additional standard enamelled signs at the points indicated be and the same hereby is approved, such work to be classified as Construction of Additions to Existing Railroads and as to which this Commission assigns Work Order No. ICcA-6 and that a requisition upon the Board of Estimate and Apportionment for the appropriation of eighty-five dollars (\$85) being one-half of the estimated cost of such work be transmitted to said Board in the form so submitted by Counsel.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

September 6, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and

Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated August 16, 1923, has submitted for the approval of this Commission its proposal to install additional standard enamelled station signs on the following stations of the Railroad and Existing Railroads described in said Contract No. 3:

Station	Sign	Location
Jackson Avenue, Up	Two	Bet. station building and south end
Simpson Street, Up	One	At station building
Simpson Street, Down	One	At station building
Freeman Street, Up	One	At station building
Freeman Street, Down	One	At station building
174th Street, Up	One	At station building
174th Street, Down	One	At station building
177th Street, Up	One	At station building, north end

The Chief Engineer of this Commission in a communication dated August 31, 1923 has reported that the additional signs are necessary and has recommended that such proposal be approved and that a requisition for the appropriation of the sum of eighty-five dollars (\$85), being one-half of the estimated cost of such work be made.

The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations of this Commission have reported that such work is properly classifiable under and in accordance with the provisions of said Contract No. 3 as Construction of Additions to the Existing Railroads.

Article LXX of said Contract No. 3, provides in part as follows:

"Such construction or provision of Additions and such changes shall be made to the satisfaction of the Commission and, when necessary, under such forms of contracts, plans, specifications and directions as it may issue or approve. If the direction shall have reference to the Equipment or to operation the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to Construction the cost of complying therewith shall be shared equally by the City and by the Lessee (except in the case of Additions to the Extensions in which event the cost shall be borne wholly by the City) and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the Commission or directly by the Lessee as the Commission may elect."

The Transit Commission has accordingly approved such proposal of Interborough Rapid Transit Company to install such additional signs under the classification of Additions to Existing Railroads and inasmuch as the approval has reference to construction, one-half the cost thereof must be borne by the City.

Requisition is accordingly made upon your Honorable Board for the appropriation of the sum of eighty-five dollars (\$85), for the purposes of meeting the City's obligation in the performance of such work of construction of said addition, such requisition being a subrequisition under and not in addition to the requisitions heretofore made for the purposes of carrying out said Contract No. 3 and the appropriations made in accordance therewith.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1209—R. T. 6416

Routes Nos. 36 & 37—Report by Engineer of Equipment and Operation and Chief Engineer Recommending that Operating Companies Be Instructed to Enter Into Supplementary Agreement for Maintenance of Queens Structure—Approved

The Commission approved a report by the Engineer of Equipment and Operation and the Chief Engineer, dated September 5, 1923, recommending that the Interborough Rapid Transit Company, and the New York Rapid Transit Corporation be instructed

to enter into another supplementary agreement covering the maintenance of the Queens Elevated Structure between the west line of the Queens Plaza station and the points upon the Astoria and Corona Lines where dual operation begins, and that such agreement be submitted to the Commission for its approval within sixty days.

1210—R. T. 6698

Route No. 39, Section No. 2—Report by Real Estate Clerk as to Completion of Removal of Buildings at 1826-85th Street and 1845-86th Street and Recommendation for Return of Securities for Performance of Contracts—Approval Resolution

A report was presented from the Real Estate Clerk dated August 30, 1923, advising of the completion of the removal of the buildings at 1826-85th Street and 1845-86th Street, Borough of Brooklyn, to make way for the construction of the extension of New Utrecht Avenue between 81st Street and 86th Street, by Z. K. Berlin and M. Klotz and recommending the return of the securities deposited by the contractors for the faithful performance of the work.

The following resolution was adopted:

Whereas, The Commission by resolution dated June 13, 1923, authorized the Real Estate Clerk to advertise and sell at public auction on June 25, 1923, at 11:00 A. M., the buildings on the premises known as 1826-85th Street and 1845-86th Street, in the Borough of Brooklyn; and

Whereas, By resolution dated June 27, 1923, the Commission approved the bids of Z. K. Berlin and M. Klotz for the wrecking or removing of the said buildings, authorizing and directing the Secretary on its behalf to execute contracts with the said Z. K. Berlin and M. Klotz; and

Whereas, The Real Estate Clerk, under date of August 30, 1923, has reported that such contracts were executed and on the 30th day of June, 1923, duly delivered to the said Z. K. Berlin and M. Klotz, who were put in possession of the premises as of 12:00 o'clock noon on July 2, 1923, that the said Z. K. Berlin deposited \$100.00 as security for the faithful performance of his contract, that the said M. Klotz deposited \$25.00 as security for the faithful performance of his contract, that the said Z. K. Berlin and M. Klotz have fully performed their obligations under the said contracts and that thirty days have elapsed since the completion of said performance, recommending that the Real Estate Clerk be authorized to return the respective deposits to the said Z. K. Berlin and the said M. Klotz, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, authorize and direct the Real Estate Clerk to return the aforesaid respective deposits to the said Z. K. Berlin and the said M. Klotz, taking therefor the proper receipt.

1211—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Furnishing Conductor Cable—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 20, 1923, requesting approval of a proposed purchasing agent's order directed to the Kerite Insulated Wire and Cable Company for conductor cable for signal equipment to be installed in the Jerome Avenue Yard at a cost of \$4,769.02.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated August 31, 1923, recommending that the application be

approved, which report was endorsed by the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations classifying the work as Equipment of the Railroad and that any excess be charged to Operating Materials and Supplies Account.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated August 20, 1923, has requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated August 20, 1923, directed to the Kerite Insulated Wire and Cable Company for the following:

"12,000 Ft. 5 conductor cable, each cond. to be No. 14 A. W. G. stranded copper wire, Kerite insulation, 5-64 inch tape and braid covered 1000 ft. to a reel. Price—\$186.96 per M. ft.....	\$2,243.52
10,000 Ft. No. 7, conductor cable each cond. to be No. 14 A. W. G. stranded copper wire, Kerite insulation, 5-64 inch wall, single braid on conductor tape and braid covered, one wire for marker, 1000 ft. to a reel. Price—\$252.55 per M. ft.....	2,525.50
Total	\$4,769.02"

which proposed purchasing agent's order has been caused to be designated "Approval No. 500;" and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated August 31, 1923, have reported that the wire is necessary as a part of the initial signal equipment to be installed in the Jerome Avenue Yard of the Railroad as defined in said Contract No. 3; that no other bids were taken since the company uses only Kerite insulation; that the prices are reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations by endorsement dated September 4, 1923, have recommended that the cost of such material to the extent necessary for original installation be classified as Equipment of the Railroad and that any excess be charged to Operating Materials and Supplies Account,

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved, and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of the material so to be purchased insofar as it is necessary for original installation to be charged as Equipment of the Railroad and any excess is to be charged to Operating Materials and Supplies Account.

1212—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation, for Approval of Installation of Two Shelters for Employees on Manhattan Bridge—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated August 4, 1923, requesting approval to the installation of two galvanized iron shelters to be installed on the Manhattan Bridge, for the use of employees stationed at the bridge approaches.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated August 22, 1923, stating that the estimated cost of the

work is \$200; that the shelters are desirable; and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad, and assigning Work Order No. MBA-28 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation successor as to the rights and obligations under said Contract No. 4, has by communication dated August 4, 1923, requested the approval of this Commission to the provision and installation of two galvanized iron shelters each 4 feet by 5 feet, on the Manhattan Bridge, one at engineer's station mark 214+65 approximately on the Manhattan side and the other at station 271+00 approximately on the Brooklyn side; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated August 22, 1923, reported that such shelters are to be placed close to the fence between the northerly pair of subway tracks; they are to provide shelter in inclement weather for maintenance men who are stationed on the bridge approaches during rush hours to minimize delays due to equipment troubles; that the estimated cost of the work is \$200, which is reasonable; that such shelters are desirable from an operating standpoint and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 28, 1923, has recommended that the cost of such work be classified as Additional Equipment for the Railroad and that Work Order No. MBA-28 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said application of New York Rapid Transit Corporation aforesaid be and the same hereby is approved, the cost of such work to be classified as Additional Equipment for the Railroad and as to which this Commission assigns Work Order No. MBA-28.

1213—R. T. 6668, 6695

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Installation of Ten Time Release Contactors on Signal Levers in Eight Interlocking Stations—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated July 21, 1923, requesting approval to the installation of ten time release contactors on signal levers in the interlocking towers at eight stations at a total estimated cost of \$555.00.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated August 29, 1923, stating that the device is a safety measure and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations classifying the work and assigning Work Order Nos. MBA-29, MCA-28 and MDA-2 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4, has by communication dated July 21, 1923 requested the approval of this Commission to the installation of ten time release contactors on signal levers in the interlocking

towers at eight locations on the lines described in said Contract No. 4 at a total estimated cost of \$555.00; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated August 29, 1923, reported that the following are the locations for the installation proposed:

Tower	Line	Lever No.
57th Street	Broadway Subway	8
Bay Parkway	New Utrecht	5 and 20
Coney Island Creek.....	Coney Island Terminal.....	48
Stillwell Ave.	Coney Island Terminal.....	32
Brighton Beach	Coney Island Terminal.....	7
King's Highway	Culver	6
Prospect Park	Brighton Beach	24 and 25
Tower No. 3.....	East New York.....	34

that the contactors are devices which operate to delay the movement of the signal lever for a period of a few seconds, so that, after a stop signal has been displayed, a definite time must elapse before the route protected by the signal can be changed; that the installation of such device is justifiable as a safety measure; that the estimated cost of \$555.00 per contactor is reasonable and recommend the approval of such proposal; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have, by endorsement dated August 31, 1923, recommended that the cost under such proposal be classified and that Work Order Nos. be assigned as follows:

"Additional Equipment for the Railroad—Work Order Number MBA-29		
57th St. Broadway Subway.....	}	\$220.00
Bay Parkway—New Utrecht Ave. Line.....		
Kings Highway—Culver Line.....		
Additions to Existing Railroads—Work Order Number MCA-28		
Coney Island Creek—Coney Island Terminal.....	}	275.00
Stillwell Avenue—Coney Island Terminal.....		
Brighton Beach—Coney Island Terminal.....		
Prospect Park—Brighton Beach Line.....		
Additions to Additional Tracks—Work Order Number MDA-2		
Tower No. 3, East New York		55.00

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposals of New York Rapid Transit Corporation aforesaid, be and the same hereby are approved upon condition that the cost thereof be classified as indicated in the foregoing recommendation of the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations and that this Commission assigns to the respective groups of such work the Work Order Numbers indicated in said foregoing recommendation.

1214—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Remote Control Circuit Breakers for 14th Street—Eastern Line and Broadway Elevated Line—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated August 15, 1923, requesting approval of a proposed purchasing agent's order directed to Cutter Electric and Mfg. Co., for furnishing remote control circuit breakers for the 14th Street—Eastern Line and the Broadway Elevated Line, at a cost of \$16,488.00.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer, dated August 25, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the

work as a Replacement to be performed under work order No. MCR-8 heretofore assigned, and as Equipment under Contract No. 4.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4 has, by communication dated August 15, 1923, requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated August 14, 1923, directed to Cutter Electric and Mfg. Co. for the following:

28	3000—Amp. Remote Control Circuit Breakers.....	\$594.00 Each
2	6000—Amp. Remote Control Circuit Breakers.....	844.00 Each

Both less 10% 30 days from date of delivery.

F. O. B. 40th St. Station So. Brooklyn Ry.

All in accordance with attached specifications dated June 23rd, 1923.

For 14th Street-Eastern and Broadway 'L.'

which proposed purchasing agent's order has been caused to be designated as "Approval No. 368"; and

Whereas, By resolution adopted October 10, 1922 this Commission, pursuant to the provisions of said Contract No. 4 approved of the installation of additional feeder system on the Broadway Line of the Existing Railroads as a Replacement and to which this Commission assigned Work Order No. MCR-8; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission, have, by communication dated August 25, 1923, reported the following bids were received for such work:

Cutter Electric & Mfg. Co.....	\$16,488.00
Westinghouse Electric & Mfg. Co.....	16,685.00
A. & J. M. Anderson Mfg. Co.....	16,910.00
General Electric Co.....	22,250.00

that the prices are the best obtainable and are reasonable; that the form of the order and specifications are satisfactory from an engineering standpoint, that the circuit breakers are necessary as part of the approved system of power supply to the railroad, as described in said Contract No. 4; that twelve 3,000 ampere circuit breakers costing \$6,415.20 are required in connection with such installation on the Broadway Elevated Line under Work Order No. MCR-8 assigned on October 10, 1922 as aforesaid and that the remaining eighteen circuit breakers costing \$10,072.80 are required as a part of Equipment of the Fourteenth Street Eastern Line of the Railroad, as defined in said Contract No. 4 and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 31, 1923, has recommended that the cost of such breakers be classified as follows:

12 circuit breakers (\$6,415.20) for the feeder equipment of the Broadway Elevated Line, Replacement, under Work Order Number MCR-8 heretofore assigned,

18 circuit breakers (\$10,072.80) for equipment of the 14th St.-Eastern Line, Equipment of the Railroad.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such approval being upon condition that twelve of the circuit breakers shall be classified as a Replacement under Work Order No. MCR-8 assigned as aforesaid and that eighteen of the circuit breakers shall be classified as Equipment of the railroad as defined in said Contract No. 4.

1215—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Installation of Drainage Equipment for Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated August 24, 1923, requesting approval of a proposed purchasing agent's order directed to

the Wagner Engineering Company, Inc., for the installation of drainage equipment for the Fourteenth Street-Eastern Line at a revised figure of \$46,244.25.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated August 31, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated August 24, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated August 23, 1923, directed to Wagner Engineering Company, Inc., for the following:

"Furnish labor, material (except such items of material as will be furnished you by the Company) etc., for installing complete, ready for operation, emergency and seepage pumps, motors, controllers, conduit and wiring intake and discharge lines, valves and fittings, concrete and structural steel foundations and platforms for pumps and motors, and all other incidental work and materials necessary to complete the installation of drainage equipment at the following locations in the 14th Street-Eastern Line, as indicated upon our Drawings C-6125, C-6126, C-6133, C-6135, C-6137, C-6138, C-6165, C-6166, C-6167, A-1763, A-1764-2, A-1200, and as called for in our specifications dated July 14th, 1923 as per details on sheet attached forming part of this order."

which proposed purchasing agent's order has been caused to be designated as "Approval No. 369"; and

Whereas, By communication dated August 31, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that such work involves the installation of drainage equipment for the 14th Street-Eastern Line of the Railroad as described in said Contract No. 4; that the following bids were received for such work:

"Wagner Engineering Co., Inc., Original Bid.....	\$45,900.00
Wagner Engineering Co., Inc., Revised Bid.....	46,244.25
Ranson and Anderson	49,950.00
V. S. Rittenhouse	50,422.00
Sanitary Mechanical	94,467.00"

that the bid of \$46,244.25 is reasonable; that the work is necessary as part of original Equipment of the Railroad under said Contract No. 4; that the form of order and specifications are satisfactory and recommend the approval of said proposed purchasing agent's order at the revised bid of \$46,244.25; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations by endorsement dated September 4, 1923, have recommended that such work be classified as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order together with the specifications made part thereof be and the same hereby are approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order; the cost of such work to be classified as Equipment of the Railroad as defined in said Contract No. 4.

1216—R. T. 6555

Route No. 52, Section No. 3—Resolution Approving Proposed Lease for Premises on North Side of Amity Street, Borough of Queens, For Storage of Steel—Adopted

The following resolution was adopted:

Resolved, That the proposed lease dated August 21, 1923 between the Oakdale Contracting Company, Inc. and The City of New York, acting by this Commission leasing

certain premises on the north side of Amity Street, Borough of Queens, City of New York for an indefinite period revocable upon thirty days' notice by either party and for the nominal rental of one dollar for the purpose of storing steel in connection with the construction of Section No. 3 of Route No. 52 be and the same hereby is approved and adopted and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed lease.

1217—Cases 1264, 1380

The Long Island Railroad Company—Alteration of Grade Crossings at Hempstead and Jamaica Turnpike, Bennett or Baylis Avenue, Wertland Avenue, Creed Avenue and Madison Avenue, Borough of Queens—Report and Opinion Approved—Resolution Authorizing Certificate of Partial Performance of Work and Payment on Account Adopted—Certificate Executed

The Secretary presented a Report and Opinion in Cases Nos. 1264 and 1380, dated August 22, 1923, by Carleton S. Cooke, Assistant Counsel, recommending that the Commission adopt a resolution authorizing the execution of a certificate of partial performance of work and payment on account to The Long Island Railroad Company by The City of New York and State of New York of \$70,000 each.

Thereupon the Commission approved the above mentioned Report and Opinion in Cases Nos. 1264 and 1380, and adopted and ordered filed a Resolution therein in the following form:

Present:

GEORGE McANENY, Chairman,	} Commissioners.
LE ROY T. HARKNESS.	

IN THE MATTER
of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossing with the tracks of THE LONG ISLAND RAILROAD COMPANY.

Hempstead and Jamaica Turnpike.

CASE No. 1264.

RESOLUTION AUTHORIZING
CERTIFICATE OF
PARTIAL PERFORMANCE
OF WORK AND PAYMENT
ON ACCOUNT.

IN THE MATTER
of the

Hearing on motion of the Commission on the question of alterations and changes in the following grade crossings with the Tracks of THE LONG ISLAND RAILROAD COMPANY.

Bennett or Baylis Avenue
Wertland Avenue
Creed Avenue
Madison Avenue.

CASE No. 1380.

Whereas, A final order and determination herein was made by the Public Service Commission for the First District on December 8th, 1911, and modified by the Order of the Transit Commission on December 7th, 1922, determining the manner in which the following grade crossings with the tracks of The Long Island Railroad Company should be altered or changed; Hempstead and Jamaica Turnpike, Bennett or Baylis Avenue, Wertland Avenue, Creed Avenue, Madison Avenue; and

Whereas, The Long Island Railroad Company has proceeded with the work of altering or changing said grade crossings substantially as required by said order and determination, and has made substantial progress in such work; and

Whereas, Said Long Island Railroad Company has submitted a verified intermediate or partial statement or account to the Commission showing certain expenditures by it in and about the work of carrying out the provisions of said order and determination; and

Whereas, After a hearing on partial accounting duly held on August 15th, 1923, before Carleton S. Cooke, Assistant Counsel to the Commission, designated and certified to conduct the hearing herein by resolution of the Commission, dated July 31, 1923, pursuant to Sections 8 and 11 of the Public Service Commission Law, the Commission after reading and filing the report and opinion, dated August 22, 1923, of said Assistant Counsel, is of the opinion that The Long Island Railroad Company has expended at least the sum of \$338,123.23 on account of the necessary work of carrying out the provisions of said order and determination aforesaid, provided, however, that the rights of the Commission and of The City of New York to object to or contest any of the items or expenditures in said partial accounting be reserved without prejudice to object to or contest any of such items or expenditures upon future partial or final accountings herein, and that no party shall upon future partial or final accountings herein be precluded from contesting any expenditures made or hereafter to be made during the entire performance of the work necessary to comply with said order as modified aforesaid;

Now, Therefore, It is

Resolved, That the Chairman and Secretary of the Commission be and they are hereby authorized to execute and file with the Comptroller of the State of New York, a certificate in the form attached hereto and made a part hereof, that work to the extent of at least \$338,123.23 has been properly performed by The Long Island Railroad Company on account of the necessary work of carrying out the provisions of said order and determination, subject to the proviso aforesaid.

Further Resolved, That pursuant to the provisions of the Railroad Law payment by the State of New York to The Long Island Railroad Company of \$70,000 being a proper and conservative payment on account of the balance due or to become due from the State of New York to The Long Island Railroad Company as its share of the cost of said work, is hereby directed;

Further Resolved, That pursuant to the provisions of the Railroad Law, payment by The City of New York to The Long Island Railroad Company of \$70,000 being a proper and conservative payment on account of the balance due or to become due from The City of New York to The Long Island Railroad Company as its share of the cost of said work, is hereby directed.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

1218—Case 2662

Interborough Rapid Transit Company—Application for Approval of Issue of Gold Notes—Resolution Nominating Herman A. Metz, Director, Adopted

The Secretary presented a letter, dated August 24, 1923, from Stephen A. Van Ness, reading as follows:

VOTING TRUSTEES FOR STOCK OF
INTERBOROUGH RAPID TRANSIT COMPANY

Under Voting Trust Agreement dated as of October 1, 1922.

GRAYSON M.-P. MURPHY, Chairman,
FRANK L. POLK,
GUY E. TRIPP,
Voting Trustees.

STEPHEN A. VAN NESS, Secretary,
52 William Street.

New York, August 24, 1923.

Dear Sir:

I am instructed by the above named Voting Trustees to call to the attention of the Transit Commission the fact that a nomination by it of the successor to Mr. Herman

A. Metz as a director of Interborough Rapid Transit Company is, by the terms of the Voting Trust Agreement, required to be certified to the Voting Trustees not later than September 19, 1923. Will you kindly bring this matter to the attention of the Commission.

This certification should be accomplished by delivering to me as Secretary of said Voting Trustees on or before said date a certified copy of the order or resolution of the Transit Commission making such nomination.

Very truly yours,
STEPHEN A. VAN NESS.

JAMES B. WALKER, Esq.,
Secretary,
TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Thereupon the Commission adopted and ordered filed in Case No. 2662, a resolution in the following form:

Whereas, Under Voting Trust Agreement dated as of October 1, 1922 of the Voting Trustees of Stock of the Interborough Rapid Transit Company, the nomination by the Transit Commission of a successor to Herman A. Metz, as a director of the Interborough Rapid Transit Company, is by the terms of said Agreement, required to be certified to the Voting Trustees not later than September 19, 1923; and

Whereas, A communication dated August 24, 1923, has been received from Stephen A. Van Ness, Secretary of said Voting Trustees requesting a certification of such successor.

Resolved, In consideration of the premises, the Transit Commission hereby nominates as a Director and as a representative of the public of The City of New York, upon the Board of Directors of the Interborough Rapid Transit Company to succeed the said Herman A. Metz at the expiration of his term, the following:

Herman A. Metz, 38 West 74th Stret, Borough of Manhattan, New York City, for a term ending September, 1926.

Further Resolved, That the Secretary of the Transit Commission be and he hereby is authorized to notify said Herman A. Metz of his nomination and to advise the Interborough Rapid Transit Company and the Voting Trustees for stock of said company of said nomination.

1219—Case 2631

The Brooklyn City Railroad Company—Application of City of New York for Order Directing Company to Relocate Its Tracks in Fresh Pond Road, Borough of Queens—Resolution of Board of Estimate and Apportionment Relative to Apportionment of Cost Filed

The Secretary presented a communication, dated August 24, 1923, from James Matthews, Assistant Secretary, Board of Estimate and Apportionment, transmitting a certified copy of a resolution, adopted by said Board on August 17, 1923, reading as follows:

(Cal. No. 69)

Whereas, The Board of Estimate and Apportionment on March 10, 1922, adopted a resolution making application to the Transit Commission, pursuant to chapter 699 of the Laws of 1921, for an order directing the Brooklyn City Railroad Company (Brooklyn Heights Railroad Company, Lessee), to change the location of its tracks in Fresh Pond road between Woodbine street and Mount Olivet avenue, Borough of Queens, from their present location to the centre of said Fresh Pond road, and to determine the manner in which the cost and expense of such relocation of such railroad tracks should be imposed and borne, in order to provide for the improvement of said Fresh Pond road between said limits as authorized by the Board of Estimate and Apportionment on April 28, 1916; and

Whereas, Pursuant to said application, the Transit Commission by an order duly adopted on May 11, 1922, directed the Brooklyn City Railroad Company to change the location of its railroad tracks in Fresh Pond road between Woodbine street and Mount

Olivet avenue, in the Borough of Queens, from their present location to the centre of said Fresh Pond road, and provided that The City of New York should pay the estimated cost of removing the old tracks, changing the wires and poles and also the determined value of the unexpired life of such old tracks, amounting in the aggregate to \$11,420, subject to final adjustment; and

Whereas, The Transit Commission by an order duly adopted on October 20, 1922, abrogated said order, dated May 11, 1922, and determined that the cost and expense of the relocation of said tracks would be \$24,000, which sum should be borne equally between the Brooklyn City Railroad Company and The City of New York, and further directed that the payment of the share of such cost and expense to be borne and paid by The City of New York, namely \$12,000, should be paid by said City to the Brooklyn City Railroad Company before the latter should be required to commence the work of said relocation; and

Whereas, The Transit Commission by an order duly adopted on August 7, 1923, abrogated said order of October 20, 1922, and determined that the cost and expense of the relocation of said tracks, estimated at \$24,000, which sum should be advanced and paid in the first instance by the Brooklyn City Railroad Company, should be borne in the amount of 50 per cent. each by the Brooklyn City Railroad Company and The City of New York, and further directed that the payment of the share of such cost and expense to be borne by The City of New York, which in no event shall be in excess of \$12,000, should be paid by the City to the Brooklyn City Railroad Company after an accounting before the Transit Commission between the City and the Brooklyn City Railroad Company, as to the amount actually and necessarily expended for the relocation of the said tracks; and further be it

Resolved, That the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby accepts the terms of the Order of the Transit Commission duly adopted on August 7, 1923, directing the Brooklyn City Railroad Company to change the location of its tracks in Fresh Pond road between Woodbine street and Mount Olivet avenue in the Borough of Queens, and agrees that The City of New York will pay 50 per cent. of the cost and expense of the said work, after the work has been completed and an accounting had before the Transit Commission between the City and the Brooklyn City Railroad Company, the share of the cost and expense to be borne by the City not to exceed \$12,000.

A true copy of resolution adopted by the Board of Estimate and Apportionment, August 24, 1923.

JAMES MATTHEWS,
Assistant Secretary.

Thereupon the above mentioned papers were ordered filed in Case No. 2631.

1220—R. T. 7591

Route No. 70-A-1—Certified Copy of Resolution of Board of Estimate and Apportionment and Approval by Mayor Consenting to Construction of North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on August 17, 1923, and approved by the Mayor on August 23, 1923, was ordered filed:

Whereas, The Transit Commission has duly determined upon a route or routes and general plan of construction of a rapid transit railway for the conveyance of persons and property, to be established in the City of New York in addition to the already existing lines, and did, by resolution adopted July 31, 1923, adopt such route or routes and general plan, being more particularly known as North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route; and

Whereas, Thereafter said Transit Commission did transmit to the Board of Estimate and Apportionment of the City of New York a copy of such plans and conclusions for such route or routes as adopted, which plans and conclusions were received by the Board of Estimate and Apportionment on the 3rd day of August, 1923, at a meeting of said Board of Estimate and Apportionment duly held on said day; and

Whereas, Said Board of Estimate and Apportionment, by a resolution duly adopted at said meeting, did appoint a date not less than one week nor more than ten days after the receipt thereof for the consideration of such plans and conclusions—to wit, the 10th day of August, 1923, at 10:30 o'clock A. M., and continued said consideration until August 17, 1923, when said consideration was concluded; and

Whereas, The plans and conclusions are fully set forth in the resolution adopted by the Transit Commission July 31, 1923, which resolutions are as follows:

Resolutions adopted by the Transit Commission July 31, 1923.

NORTH JANE STREET, JACKSON AVENUE, NEWTOWN CREEK AND MANHATTAN AVENUE ROUTE.

(Route No. 70-A-1)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE.

A route lying wholly within the Boroughs of Queens and Brooklyn, the center line of which shall begin at a point in the Borough of Queens at or near the intersection of Vernon Avenue and North Jane Street, where a connection can conveniently be made with the existing rapid transit railroad; thence extending easterly along and under North Jane Street and/or along, under and across Queensboro Bridge right-of-way and intervening streets to a point in North Jane Street and/or Queensboro Bridge right-of-way at or near Prospect Street; thence curving southwesterly across and under Queensboro Bridge right-of-way, South Jane Street, Hunter Avenue and private property to a point in Jackson Avenue at or near Henry Street; thence southwesterly along and under Jackson Avenue to a point at or near Vernon Avenue; thence southerly along and under Vernon Avenue to Newtown Creek; thence under Newtown Creek to Manhattan Avenue in the Borough of Brooklyn; thence southerly along and under Manhattan Avenue to a point at or near Clay Street where a connection can conveniently be made with other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION.

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by surface or subsurface structures or other special or local necessities, and at stations and curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches and, if necessary, for the pur-

pose of tunneling by the shield method, the tracks or any one or more of them may be diverted as far as necessary to either side of both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, unless it shall be necessary to tunnel by the shield method, in which event the tracks may be placed in tubes which shall not exceed twenty (20) feet outside diameter; except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear or such diameter may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, unless it shall be necessary to tunnel by the shield method, in which event the tracks may be placed in tubes not exceeding twenty (20) feet outside diameter, as aforesaid; except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width or diameter may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in the same subway or tunnel, or there may be separate subways or tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half (8½) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railway.

Station and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction of the route shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION.

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors

or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS.

The word "street" wherever used herein shall include an avenue or public place. The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OR DRAWING.

It Is Further Resolved, That the map or drawing entitled "State of New York Transit Commission, Engineering Department, Route & General Plan, Route No. 70-A-1, North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Boroughs of Queens and Brooklyn," dated July 25, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

TRANSIT COMMISSION,

By JAMES B. WALKER,
Secretary.

July 31, 1923.

Now, Therefore, Be It Resolved, That the Board of Estimate and Apportionment of the City of New York, by a majority vote, according to the number of votes by law pertaining to each member of the Board, hereby approves such plans and conclusions and consents to the construction of a railway or railways in accordance therewith.

A true copy of resolution adopted by the Board of Estimate and Apportionment August 17, 1923.

PETER J. MCGOWAN,
Secretary.

The foregoing resolution is hereby approved.

JOHN F. HYLAN,
Mayor.

Dated, New York, August 23, 1923.

1221—R. T. 6334

Contract No. 1—Communication from Acting Corporation Counsel Returning, Approved as to Form, Proposed Agreement with Interborough Rapid Transit Company for Construction of Additional Entrance to Dyckman Street Station—Filed

The Commission ordered filed a communication dated August 22, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning, approved as to form, a proposed agreement with the Interborough Rapid Transit Company for the construction of an additional entrance to the Dyckman Street Station of the Manhattan-Bronx Rapid Transit Railroad.

1222—R. T. 7177

Route No. 52—Report by Chief Engineer as to Commencement of Work for Removal of Ash Fill from Site of Proposed Corona Yard—Filed

The Commission ordered filed the following report:

September 4, 1923.

To the TRANSIT COMMISSION:

Route No. 52—Removal of ash fill on site of Corona Yard.

At its meeting of June 29th, 1923, the Board of Estimate and Apportionment failed to approve the requisition of the Commission for the purchase from the Queens Sub-

way Apartment and Loft Building Corporation, at 30c per cu. yd. of the ash fill on the site of the proposed Corona Yard, but advised the Commission that the Board would "give favorable consideration to a proposition providing for the purchase of that portion of the stored material which is actually required for the construction of the Corona Yard up to a maximum of 250,000 cubic yards measured in place at a price not to exceed 10c per cu. yd. provided such offer is accepted by the owners of said material before July 13, 1923, and that in case the present owners are not prepared to accept payment on these terms, the Transit Commission immediately notify them to remove from the City property within the time limit fixed by the court such portion of the fill as, under the terms of the court decree, belongs to them, * * *

On July 3rd, and again on July 24th, the Secretary advised the Queens Subway Apartment and Loft Building Corporation of this action of the Board, and asked if it would be willing to accept the price of 10c per cu. yd. suggested by the Board, instructing the Corporation that in case it would not accept this price, to proceed immediately to remove the fill. On July 31st, the Corporation replied stating "we emphatically decline to accept the price suggested by the Chief Engineer of the Board of Estimate and Apportionment, and recommended by said Board," that is the price of 10c per cu. yd., and further stated that it would proceed at once to remove the fill.

This is to report that the Corporation actually started removing the fill from the site of the proposed Yard on August 15, 1923. One steam shovel is employed thus far.

When the ash fill is removed, it will be necessary to replace it with an equivalent fill of ashes or earth, and a contract will be prepared at the proper time to cover this work. At least six months time should be allowed for the work included in such a contract, and my investigations indicate that the cost per cu. yd. of replacing the fill will be very much in excess of 30c.

ROBT. RIDGWAY,
Chief Engineer.

1223

Employees' Calendar No. 162

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—William H. Eberhardt, draftsman, at \$150.08 per month, to take effect September 4, 1923.

Appointments under Rule VIII:4—Charles C. Duffy, junior assistant, at \$125.08 per month, to take effect September 4, 1923; William S. Fanning, architectural draftsman, at \$150.08 per month, to take effect August 29, 1923; Samuel Fox, draftsman, at \$150.08 per month, to take effect September 5, 1923; Henry L. Rossire, draftsman, at \$150.08 per month, to take effect September 4, 1923; Emmett J. Scott, Jr., draftsman, at \$150.08 per month, to take effect September 4, 1923.

Reinstatement under Rule XVI:1—Martin C. Hunt, engineering inspector, at \$150.08 per month, to take effect August 22, 1923.

Resignations—Maurice Barrat, junior assistant, at \$125.08 per month, to take effect August 25, 1923; Joseph F. Daley, junior clerk, at \$60.00 per month, to take effect August 31, 1923; Edna Holmgren, stenographer, at \$90.00 per month, to take effect September 1, 1923; James Kaufman, junior clerk, at \$60.00 per month, to take effect September 8, 1923; Ellis Metzner, junior assistant, at \$125.08 per month, to take effect August 24, 1923; John J. Rooney, junior clerk, at \$60.00 per month, to take effect September 4, 1923; George M. Remsen, draftsman, at \$150.08 per month, to take effect August 31, 1923; Milton Sokolow, junior assistant, at \$125.08 per month, to take effect September 4, 1923; Dominic C. Spinelli, stenographer, at \$100.00 per month, to take effect September 24, 1923; Albert W. Scrivens, junior assistant, at \$125.08 per month, to take effect August 25, 1923.

Transferred to Office of Public Welfare Dept.—Irving Miller, junior accountant, at \$137.50 per month, to take effect September 1, 1923.

Change of Item in Resolution of August 7, concerning George I. King so as to read as follows: (Appointment)—George I. King, draftsman, at \$150.08 per month, to take effect July 31, 1923.

Change of Item in Resolution of August 20, concerning James L. McCarthy so as to read as follows: (Resignation)—James L. McCarthy, supervising transit inspector, at \$187.50 per month, to take effect August 15, 1923.

Leave of Absence with Pay—Rocco M. Carbone, stenographer, from August 25, 1923, to August 31, 1923.

Death—Charles P. Madden, assistant engineer, at \$266.66 per month, August 10, 1923.

Promotion—George H. Stover, assistant counsel, from \$500.00 per month to \$625 per month, to take effect September 1, 1923.

1224

Employees' Calendar No. 163

On motion, duly seconded, the following resolution was unanimously adopted:
Resolved, That this Commission takes the following action with reference to employees:

Promotion—James A. Walsh, secretary to Commissioner, from \$300.00 per month to \$350.00 per month, to take effect September 1, 1923.

1225

Voucher Schedule No. 36

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 824-848, open market orders, \$1,745.30; Vouchers Nos. 441-451, miscellaneous bills, \$3,195.00; Voucher No. 21, Special Payroll, \$700.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 229; Holbrook, Cabot & Rollins Corporation; approximate estimate No. 15, for the construction of a new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, from August 1, 1923, to August 31, 1923 (R. T. 6114) \$9,051.15;

Voucher No. 227; Station Finish Corporation, Assignee; approximate estimate No. 13 for the construction of station finish on Sections Nos. 3, 4 and 5 of Route No. 8, from August 1, 1923 to August 31, 1923 (R. T. 7516) \$8,476.33;

Voucher No. 230; Michael Del Balso; approximate estimate No. 8 for the installation of tracks including furnishing part of the track materials and construction of drainage system and concrete inspection pits, for a portion of the White Plains Road Line, 239th Street Yard, from August 1, 1923 to August 31, 1923 (R. T. 7528) \$19,664.15.

1226

Upon motion duly seconded and adopted, the meeting was adjourned to Friday, September 7, 1923.

1227

Hearings

The following hearings were held:

11 A. M.; R. T. 4007; Lengthening of platforms at local stations, Contract No. 1, Chairman McAneny and Commissioner Harkness presided. Adjourned to September 20, 1923 at 11 A. M.

2:30 P. M.; Case No. 2695; Interborough Rapid Transit Company: Hearing on proposed reconstruction of 33rd Street station of the East Side Subway from local to express stop. Chairman McAneny and Commissioner O'Ryan presided. Adjourned subject to call.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, September 7, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1228—R. T. 7431

Fourth Avenue Subway—Report by Chief Engineer Recommending Extension of Platforms at DeKalb Avenue, Myrtle Avenue and Pacific Street Stations and That Requisition Be Made upon Board of Estimate and Apportionment for Appropriation of \$282,000—Approval Resolution—Requisition upon Board of Estimate and Apportionment—Work Orders Nos. MAA-5 and MBA-30.

A report was presented from the Chief Engineer dated September 5, 1923 recommending the extension of the platforms of the DeKalb Avenue, Myrtle Avenue and Pacific Street stations of the Fourth Avenue Subway, and that the work be performed by the New York Rapid Transit Corporation as Additions to Construction and Additional Equipment under Contract No. 4, and that a requisition be made upon the Board of Estimate and Apportionment for an appropriation of \$282,000, which report was endorsed by the Auditor of Rapid Transit Costs, assigning Work Order No. MAA-5 to such portion of the work as is properly classifiable as Additions to Construction, and assigning Work Order No. MBA-30 to such portion as is properly classifiable as Additional Equipment.

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission by communication dated September 5, 1923 reports that the increase of traffic on the Railroad described in the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, necessitates the lengthening of the platforms of the DeKalb Avenue Station at an estimated cost of \$140,000, the Myrtle Avenue Station at an estimated cost of \$56,000, and the Pacific Street Station at an estimated cost of \$86,000, of the Broadway-Fourth Avenue Line of the Railroad described in said Contract No. 4, and submits the following Contract Drawings entitled: "Broadway-Fourth Avenue Subway, Myrtle Avenue, DeKalb Avenue and Pacific Street Stations, Extension of Platforms, Contract Drawings Nos. C-1, C-2 to C-10 and F-1, F-2 to F-10" all dated September 6, 1923, signed by Robert Ridgway, Chief Engineer and recommends in view of the fact that the work of lengthening such stations will have to be done under operating conditions that the Commission direct the New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, to perform the work of lengthening the platforms of such stations as Additions to Construction together with such Additional Equipment as may be necessary as provided under and in accordance with the provisions of Articles LXVIII and LXIX of said Contract No. 4 and that a requisition be made upon the Board of Estimate and Apportionment of The City of New York for the appropriation of the estimated cost of such work; and

Whereas, Counsel has reported that such work may legally be directed to be performed as an Addition to Construction and as Additional Equipment by the Lessee as defined in said Contract No. 4 and that the total cost thereof is in accordance with the provisions of said Article LXVIII of said Contract wholly chargeable to The City of New York, in so far as it applies to Construction; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated September 6, 1923, has recommended that Work Order No. MAA-5 be assigned to such portion of such work as is properly classifiable as Additions to Construction and that Work Order No. MBA-30 be assigned to such portion of such work as is properly classifiable as Additional Equipment, all as defined and provided in said Contract No. 4.

Resolved, That said recommendations aforesaid be and the same hereby are approved; that the plans submitted as aforesaid showing the proposed lengthening of platforms of the said DeKalb Avenue, Myrtle Avenue and Pacific Street Stations of the Broadway-Fourth Avenue Line of the Railroad as described in said Contract No. 4 be and the same hereby are approved and adopted; that the New York Rapid Transit Corporation as successor to the rights and obligations under said Contract

No. 4 and as Lessee under the provisions thereof and particularly Article LXVIII thereof is hereby directed to perform, as Additions to Construction and Additional Equipment as the case may be under said Contract No. 4, the work of lengthening the platforms of said DeKalb Avenue, Myrtle Avenue and Pacific Street Stations of said Broadway-Fourth Avenue Line and as more particularly indicated on the said drawings entitled "Broadway-Fourth Avenue Subway, Myrtle Avenue, DeKalb Avenue and Pacific Street Stations—Extension of Platforms, Contract Drawings, C-1, C-2 to C-10 and F-1, F-2 to F-10," all dated September 6, 1923 and signed by Robert Ridgway, Chief Engineer, hereby approved, such work to be performed subject to the direction and approval of the Chief Engineer of this Commission; that this Commission assigns to such work as is properly classifiable as Additions to Construction in accordance with the provisions of said Contract No. 4, Work Order No. MAA-5 and assigns to such portion of such work as is properly classifiable as Additional Equipment as defined in said Contract No. 4, Work Order No. BMA-30; that requisition in the form now submitted by Counsel upon the Board of Estimate and Apportionment for the appropriation of the amount estimated to be necessary to meet the City's obligation in the performance of such work, in so far as it applies to Construction, be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

September 7, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.
Gentlemen:

The contract dated March 19, 1923 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4, provides in Article LXVIII thereof that Additions may be ordered to be constructed or installed on the Railroad as defined in said contract and more particularly prescribes as follows:

"If the direction shall have reference to Equipment or operation or to the construction of Additions to the Existing Railroads the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to the construction of Additions to the Railroad the cost of complying therewith shall be borne by the City and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the Commission or directly by the Lessee as the Commission may elect. If the Lessee shall neglect or refuse to comply with such directions the Commission in addition to other remedies may cause such changes or Additions (other than Additions to the Railroad) to be made at the expense of the Lessee."

The Chief Engineer of this Commission, by communication dated September 5, 1923, has reported as follows:

"I send you herewith plans for the proposed lengthening of the following stations of the Broadway-Fourth Avenue Line of Contract No. 4, together with the estimated cost of lengthening set opposite the respective stations:

DeKalb Avenue Station.....	Amount \$140,000
Myrtle Avenue Station.....	56,000
Pacific Street Station.....	86,000
Total	\$282,000

As the work of lengthening these stations has to be done under operating conditions, it seems advisable that the work should be performed by the Operating Company.

Recommendation: I respectfully recommend that you approve of this work as an Addition under Contract No. 4 and that a requisition be made on the Board of Estimate and Apportionment for the appropriation of \$282,000 to cover this work to be charged to Contract No. 4."

This Commission has considered said report and has reached the conclusion that the changes therein recommended are desirable and has approved the same and has directed the New York Rapid Transit Corporation, as successor to the rights and

obligations under said Contract No. 4 to perform such work shown on the drawings referred to as an Addition to Construction as provided for in said Contract No. 4, such approval and direction being contained in a resolution adopted by this Commission on September 7, 1923, a certified copy of which is transmitted herewith.

Requisition is accordingly made upon your Honorable Board for an appropriation in the sum of Two hundred eighty-two thousand dollars (\$282,000) being the amount estimated to be necessary to meet the cost of performing the work of lengthening said DeKalb Avenue, Myrtle Avenue and Pacific Street Station platforms of the Broadway-Fourth Avenue Line, such requisition being a subrequisition under the authorizations heretofore made for the purpose of carrying out said Contract No. 4.

As the total cost of this work is, in accordance with the provisions of Contract No. 4, above quoted, borne solely by The City of New York, the work will not proceed until the appropriation therefor has been made.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1229—R. T. 7103

Contract No. 3—Report by Chief Engineer Advising of Request of Interborough Rapid Transit Company for Construction of Temporary Car Shed at Lenox Avenue and 148th Street Yard and Recommending that Company be Directed to Perform Work as Part of Contribution to Cost of Construction of Contract No. 3—Approval Resolution—Statement by Counsel

A report was presented from the Chief Engineer, dated September 5, 1923, advising of a request by the Interborough Rapid Transit Company for the construction of a temporary car shed at the Lenox Avenue and 148th Street Yard, so as to facilitate the inspection and repair of rolling stock and recommending that the Company be directed to perform the work as part of its contribution toward the cost of construction of Contract No. 3, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Construction of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, The City of New York in compliance with its obligations under said Contract No. 3 is constructing a railroad yard and shops and inspection sheds at 148th Street and Lenox Avenue in the Borough of Manhattan, City of New York, to form part of the Railroad as described in said Contract No. 3; and

Whereas, The Chief Engineer of this Commission by communication dated September 5, 1923 has reported that the Interborough Rapid Transit Company has requested the construction of a temporary shed as soon as possible to facilitate the inspection and repair of its rolling stock north of and contiguous to the original shed in said yard pending the construction of the complete facilities under said Contract No. 3; that the estimated cost of such temporary shed is \$22,000, and transmits a plan entitled, "Lenox Avenue Shops, Temporary Car Shed Contract Drawing No. C-1," dated August 28, 1923, signed by Robert Ridgway, Chief Engineer, with the recommendation that the request of Interborough Rapid Transit Company be approved and that said Company be directed to perform such work in accordance with the plan transmitted of constructing said temporary inspection and repair shop, the cost thereof to be charged to the contribution of said Interborough Rapid Transit Company to the Cost of Construction as more particularly provided for and defined in said Contract No. 3; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated September 6, 1923, concurs in the classification of such work as Construction of the Railroad as defined in said Contract No. 3,

Resolved, That said proposal and recommendation be and the same hereby are approved; that the Interborough Rapid Transit Company be and hereby is directed and

authorized to perform the work of constructing such temporary inspection and repair shed in 148th Street and Lenox Avenue Yard north of and contiguous to the original shed in said yard as more particularly indicated on the plan or drawing hereinbefore referred to and entitled "Lenox Avenue Shops, Temporary Car Shed Contract Drawing No. C-1," dated August 28, 1923, signed by Robert Ridgway, Chief Engineer, such work to be classified as Construction of Railroad and the cost thereof to be charged to the contribution of the Interborough Rapid Transit Company to the Cost of Construction under and in accordance with the provisions of said Contract No. 3.

The following statement was submitted by Counsel:

This matter was considered heretofore by the Commission, but in view of the unsettled condition of the exact amount of unexpended balance of the Interborough Company's contribution to the cost of construction under Contract No. 3 because of the difference between the reported costs and the determined costs and moreover in view of the fact that respective committees of the Interborough Rapid Transit Company and the Commission have been almost continuously, for over a period of one year, adjusting such difference, no action was taken.

There appears upon this calendar the stipulation effecting the agreement just recently reached and the Commission has taken the first opportunity of consummating this matter by formal action.

1230—R. T. 7267

Contract No. 3—Application by Interborough Rapid Transit Company for Extension of Fire Insurance on Steel Rolling Stock—Report by Acting Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 7, 1923, requesting an extension of insurance on steel rolling stock expiring on May 15, 1925, and January 2, 1928 for a term so as to make all such insurance expire on July 1, 1928.

A report was presented from the Acting Engineer of Equipment and Operation and the Chief Engineer dated August 28, 1923, stating that such extension will result in a saving of approximately \$1,300 and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the expense as an Operating Expense.

The following resolution was adopted, Commissioner Harkness not voting:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated August 7, 1923, has requested the approval of this Commission to the extension of fire insurance expiring on May 15, 1925 and January 2, 1928, to the amount of \$11,345,000 on steel rolling stock under said Contract No. 3, for a term so as to make all such insurance expire July 1, 1928; and

Whereas, The Acting Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated August 24, 1923 report that the purpose of such extension is to obtain a reduction in the premium rate of 20 cents per 100 dollars for the unexpired period of the policies, which will result in a saving of approximately \$1,300; that such insurance also includes fire prevention and inspection service during the term of the policies without extra charge; that the amount of insurance is reasonable for the risk and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated August 28, 1923 has recommended that the expense of such insurance be classified as Operating Expense.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company dated August 7, 1923 and which has been caused to be designated "Approval No. 498" be and the same

hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of said proposal by this Commission made part of said proposal, it being understood that the cost of extending such insurance shall be classified as Operating Expense.

1231—R. T. 6567

Contract No. 3 and Certificates—Resolution Approving Report by Chief of Bureau of Accounting and Valuations, Auditor of Rapid Transit Costs and Assistant Counsel as Committee as to Agreement with Interborough Rapid Transit Company upon Various Objections and Disputed Items in Determinations of Cost to March 31, 1922—Adopted

The following resolution was adopted:

Whereas, The Chief Engineer of this Commission appointed a Committee of three, consisting of Assistant Chief of Accounts John E. Cooper, Auditor of Rapid Transit Costs Frederick Wilcock and Assistant Counsel William G. Fullen, to confer with a similar Committee appointed by the President of Interborough Rapid Transit Company to consider objections filed to the determinations of the said Chief Engineer under the contract dated March 19, 1913, between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, and the disputed items as to the costs under the certificates both dated March 19, 1913, one granted to the Manhattan Railway Company for additional tracks and the other granted to Interborough Rapid Transit Company for certain elevated extensions including therein the disputed items as to the cost of Manhattan Power Plant Improvement, and said Committees have met, conferred and agreed upon the various objections and disputed items as more particularly set forth in four separate stipulations approved simultaneously herewith, and the said Committee appointed by the said Chief Engineer, has rendered the following report:

August 28, 1923.

From: MESSRS. COOPER, WILCOCK AND FULLEN.

To: ROBERT RIDGWAY, Chief Engineer.

Reconsideration of Items Objected to in Contract No. 3 Determinations of Cost and of Questioned Items of Cost of the Manhattan Railroad Extensions and Additional Tracks

On July 28, 1922, you appointed Messrs. Cooper, Fullen and Wilcock, a committee, and requested Mr. Hedley to appoint a like committee for the following purposes:

(1) to discuss the several objections to the determinations under Contract No. 3 and the report of cost of Manhattan Railroad Extensions and Additional Tracks, and endeavor to arrive at a mutual understanding on the disputed items;

(2) to report the result of the discussions when completed;

(3) in the event that a mutual understanding is reached satisfactory to the parties, to prepare the necessary documents to establish the agreement.

Mr. Hedley appointed a committee consisting of Messrs. Berry, Norris and Mason. Mr. Watson took the place of Mr. Mason at the last few conferences.

Stipulations Are Submitted Reflecting the Agreement Reached between the Two Committees

Your committee has unanimously agreed with the Company committee on all of the disputed items, and herewith submits and recommends for approval by yourself and the Commission

FOUR STIPULATIONS

whereby agreement is expressed between the Interborough Rapid Transit Company and the Transit Commission and the Chief Engineer of the Transit Commission, on the costs of the following, to March 31, 1922:

(1) Construction and Equipment under Contract No. 3. The Commission and the Company agree to make no objection to a redetermination

rendered in accordance with this stipulation. The Chief Engineer agrees to render his redetermination in accordance with this stipulation.

(2) Manhattan Railroad Elevated Extensions.

(3) Manhattan Railroad Additional Tracks.

(4) Manhattan Power Plant improvements, reconstructions or changes, including replacements not due to wear and tear from operation; reserving to the Commission the right to object to a deduction from pooled revenues under the Extensions Certificate of interest on the cost of reconstructions or changes, including replacements not due to wear and tear from operation.

The Company committee reports that the stipulations as herewith submitted will be duly executed by the Company.

Total Costs to March 31, 1922, as Agreed to Between the Committees

The results, in total costs to March 31, 1922, of the agreement between the two committees, are the following:

	As Per Determination	As Agreed
City's Cost of Construction of The Railroad:		
Labor and materials.....	\$62,347,795.80	\$62,347,795.80
Real Estate	4,776,064.77	4,776,064.77
Superintendence	11,692,110.11	11,692,110.11
Interest	11,405,287.00	10,852,321.98
Total	\$90,221,257.68	\$89,668,292.66
City's Cost of Construction of Additions to the Railroad and Existing Railroads:		
Labor and materials.....	\$3,019.50	\$3,019.50
Superintendence	2,959.44	2,959.44
Total	\$5,978.94	\$5,978.94

	As Reported by the Company	As Per Determination	As Agreed
Company's Contribution to Cost of Construction of The Railroad:			
Labor and materials.....	\$40,671,133.74	\$40,662,408.51	\$40,662,472.11
Real estate	2,039,451.26	2,039,451.26	2,039,451.26
Debt discount	1,749,147.94	1,700,668.48	1,724,633.81
Superintendence	1,649,208.40	948,478.39	959,271.32
Taxes	294,587.53	294,587.53	294,587.53
Interest: (a) contributed to pay interest on City's funds.	677,953.15	677,953.15	677,953.15
(b) interest on Company's funds	11,223,450.46	10,365,401.95	11,129,424.61
Total	\$58,304,932.48	\$56,688,949.27	\$57,487,793.79
Cost of Construction of Additions to the Railroad and Existing Railroads:			
Labor and materials.....	\$8,577.07	\$8,577.07	\$8,577.07
Debt discount	193.61	193.61	.....
Total	\$8,770.68	\$8,770.68	\$8,577.07

	As Reported by the Company	As Per Determination	As Agreed
Cost of Equipment Provided for Initial Operation:			
Labor and materials.....	\$35,862,745.69	\$35,489,283.28	\$35,527,562.17
Real estate	583,157.68	583,157.68	583,157.68
Debt discount	1,679,873.68	1,613,235.00	1,613,235.00
Superintendence	2,757,219.21	2,672,912.83	2,956,408.85
Taxes	312,346.73	312,346.73	312,346.73
Interest	3,876,131.41	4,267,310.05	4,267,310.05
Total	\$45,071,474.40	\$44,938,245.57	\$45,260,020.48
Cost of Equipment Provided after Initial Operation:			
Labor and materials.....	\$239,193.01	\$239,193.01	\$239,193.01
Superintendence	5,717.81	5,717.81	18,216.88
Total	\$244,910.82	\$244,910.82	\$257,409.89

	As Reported by Company	As Per Adjusted Cost	As Agreed
Cost of Manhattan Railroad Ex- tensions and Additional Tracks, etc.:			
Labor and materials.....	\$29,449,396.28	\$29,264,847.49	\$29,394,838.47
Real estate	4,687,571.31	4,687,537.56	4,687,571.31
Debt discount	1,037,630.43	1,029,598.54	1,041,365.93
Taxes	275,314.32	275,314.32	275,314.32
Interest	2,819,977.78	2,819,977.78	2,819,977.78
Superintendence	2,303,955.44	2,238,383.77	2,546,816.32
Total	\$40,573,845.56	\$40,315,659.46	\$40,765,884.13

NOTE—Reservations made in respect of certain elements of the agreed costs are explained elsewhere in this report.

Schedules of Items Adjusted, and Tabulations of the Results

Appended hereto are six schedules wherein is listed each item which has been adjusted by agreement between the two committees, including a short statement explanatory of each item and of the disposition of the same as follows:

Schedule 1—Company Contribution to Construction of the Railroad, Contract No. 3 as at March 31, 1922—Items adjusted by the committees, with note as to resulting adjustment of City's cost.

Schedule 2—Cost of Equipment Provided for Initial Operation, Contract No. 3 as at March 31, 1922—Items adjusted by the committees.

Schedule 3—Cost of Equipment provided after Initial Operation, Contract No. 3 as at March 31, 1922—Items adjusted by the committees.

Schedule 4—Cost of Additional Tracks as at March 31, 1922—Items adjusted by the committees.

Schedule 5—Cost of Elevated Extensions as at March 31, 1922—Items adjusted by the committees.

Schedule 6—Cost of Manhattan Power Plant,—improvements, reconstructions or changes, including replacements not due to wear and tear from operation as at March 31, 1922—Items adjusted by committees.

Appended also are three tabulations, summarizing the results of the adjustments made by agreement between the two committees, as follows:

Table A—Statement of the Company's Cost for Superintendence to March 31, 1922, Contract No. 3 and the Related Certificates, Separately for each Group, (1) as Reported by the Company (2) as determined (or adjusted) heretofore, (3) as agreed by committee.

Table B—Allowance for Administrative and Legal and Stores Expenses, as Recommended by the Committee, Divided between the Period Prior to Pooled Operations and the Period Subsequent to Pooled Operations,—Compared with the Corresponding Amounts Reported by the Company.

Table C—Statement by Items of the definitions of cost, Separately for each Group of Company Cost to March 31, 1922, (1) as Reported by Company; (2) as determined (or adjusted) heretofore, (3) as Agreed by Committee.

Special Explanation of Important Items Adjusted by Agreement between the Committees

When passing judgment on the merits of the adjustments upon which agreement has been reached between the two committees, it is proper to have in mind the ultimate effect which does not always appear superficially. The disallowance of a charge to capital may mean merely a transfer of the charge to operating expense under the same contract. In another instance it may mean an absolute reduction of cost under the contract.

In the following paragraphs an explanation is provided of the more important items which have been adjusted by agreement between the two committees:

- (1) Services of watchmen during the construction of the "diagonal station"—Grand Central Station.
- (2) Replacement of old Substation No. 11.
- (3) Certain maintenance work in connection with the building of the Manhattan Railroad additional tracks and elevated extensions.
- (4) General administration (including stores expenses) and legal expenses of the Company.
- (5) Interest during construction, Contract No. 3.

1—Services of Watchmen during the Construction of the "Diagonal Station"—Grand Central Station

The charge for watching for the protection of the operation of subway trains, during the construction of Route 43 and 26, Section 1—the so-called diagonal station, was first made by the Rapid Transit Construction Company as an extra under the construction contract. The charge was disallowed by your Division Engineer. Thereafter the Interborough Company charged the item as Superintendence under Contract No. 3. It was again disallowed, in your determination. The two committees have agreed that the disallowance was proper, and that the item is an expense to the construction contractor. The item, amounting to \$18,620.67, is thus entirely eliminated from Contract No. 3.

2—Replacement of Old Substation No. 11

The old Substation No. 11 was provided by the Interborough Company as equipment under Contract No. 1. The property was taken by the City, through condemnation proceedings, to provide a site for the proposed court-house. The money received was placed with the Trustee under the Interborough mortgage.

The new Substation No. 11, of larger capacity than the old, was provided under Contract No. 3 and the entire cost thereof was charged as equipment under Contract No. 3. A credit to this amount was required by your determination in the amount of the award in condemnation proceedings for the old Substation.

The matter has been settled between the Commission and the Company during the period of the conferences between the two committees, by stipulation dated July 20, 1922, whereby the accounting of the \$323,691.00 award of October 5, 1916, for old Substation No. 11, was agreed upon as follows:

Replacement of Contract No. 1 Equipment.....	\$310,256.00
Cost of removing and transporting old apparatus and appurtenances to new site chargeable as Cost of Equipment, Contract No. 3	13,435.00
	<hr/>
Total	<u>\$323,691.00</u>

It is understood between the committees that an appropriate job number will be registered to which the credit will be made. The Trustee will release the funds.

3—Certain Maintenance Work in Connection with the Building of the Manhattan Railroad Additional Tracks and Elevated Extensions

In connection with the construction of the Manhattan Railroad additional tracks and elevated extensions, a considerable quantity of old structure was replaced. The cost of replacements, under the Uniform System of Accounts, may not be capitalized. The terms of the certificates permit the capitalization of the cost of replacements, provided, however, that the replacements were not due to wear and tear from operation and were necessitated by the new work authorized by the certificates.

The engineers of your department reported that certain replacement of ties and certain painting jobs were due to wear and tear from operation and were not necessitated by the new work. The two committees have agreed on certain disallowances of cost of such replacements, amounting to \$52,095.54. The amount disallowed becomes a charge against operations prior to pooled operations under the Extension Certificate.

4—General Administration (including Stores) and Legal Expenses of the Company

The dispute is of long standing as to the proper allowance to make to the Company as compensation for the use of its regular organization on the entire project of contributing to construction and equipping the Railroad, and constructing and equipping the Manhattan Railroad Additional Tracks and Elevated Extensions, including also the Manhattan Power Plant.

The matter is explained in the Thirty-second Quarterly Determination, Pages 6-8. As stated in the determination (pages 251, 252), in addition to certain specific items of expenditure, there was a General Allowance to the Interborough Rapid Transit Company of an amount identical with the allowance to the New York Municipal Railway Corporation in excess of certain specific items of expenditure, and in addition an allowance for Stores Expenses. The allowance agreed upon between the two committees is larger than in the determination, smaller than the amount charged by the Company. The figures are tabulated in Table A.

The changes from the amounts claimed by the Company to March 31, 1922 are as follows:

Contribution to cost of construction, reduction.....	\$667,670.69
Cost of equipment and additional equipment, addition.....	211,688.71

Total of Contract No. 3, reduction.....	\$455,981.98
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By this reduction there is indicated a credit to operations under Contract No. 3 of.....	\$ 5,808.16
and a charge against operations under Contract No. 1 of.....	461,790.14

	<u>\$455,981.98</u>
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Manhattan Railroad Additional Tracks, Elevated Extensions, Manhattan Power Plant addition.....	<u>\$242,860.88</u>
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by which there is indicated:

a credit to operations under the Extensions Certificate of	\$ 87,642.55
and a credit to prior Manhattan Division Operation	155,218.33

	<u>\$242,860.88</u>
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The explanation given on pp. 6-8 of the Thirty-second Quarterly Determination is here incorporated by reference.

The increase now recommended over the amount heretofore allowed in the determinations, as a general allowance for administrative and legal expenses, is based on the fact that the Interborough Rapid Transit Company project is larger than the New York Municipal Railway Corporation project. The larger allowance for Stores Expenses is based on the fact of actual cost of handling stores. All allowances made in the Prior Determination are left undisturbed.

General Administrative and Legal Expenses (excluding stores)

The fact recognized by your committee that the I. R. T. project is substantially larger than the N. Y. M. project is not shown by the length of track miles of new railroad. The total new track miles are:

N. Y. M. system	175	
I. R. T. system	182	104%

The substantial difference between the two systems is in the power facilities, of which the Interborough Rapid Transit Company provided much, the New York Municipal Railway Corporation little. The respective total cost of labor and materials supervised by each company was assumed by your committee to be a fair basis for determining a General Allowance to the Interborough Rapid Transit Company on the basis of the ratio of such labor and material costs, one company to the other. Excluding that part of the contribution to cost of construction not supervised by Company, the labor and material costs of all groups to March 31, 1922, are approximately as follows:

N. Y. M.	\$53,000,000	
I. R. T.	66,000,000	125%

Inasmuch, however, as the expenditures of the Interborough Company were made at higher price levels than those of the Municipal, an adjustment was made to put them on an equivalent basis. (Details in Schedule 7.) The relation between the Municipal and the Interborough becomes, for general allowance for administrative (excluding stores) and legal expenses, as follows for the period from March 19, 1913 to March 31, 1922:

N. Y. M.	\$637,000	
I. R. T.	888,000	139%

This ratio is larger than that above stated for labor and materials supervised by Company because of the allowance to the Interborough Company for administrative and legal expenses of one-half percent. on that part of the contribution to cost of construction applied to labor and materials. The relation between the Municipal and the Interborough for all labor and materials paid for by Company, is the following:

N. Y. M.	\$53,000,000	
I. R. T.	106,000,000	200%

The legal basis for a general allowance for administrative and legal expenses received consideration. The informal opinion by former Chairman McCall, to the effect that only the increase in expenses of the Company because of the new projects might be charged to capital, was the basis for some of the earlier determinations. The rule applied is given in a discussion of the matter in the Thirty-second Quarterly Determination, hereinbefore referred to. A recent court decision (App. Div. Third Dept. July 6, 1922, *People of the State of New York ex rel. N. Y. State Railways v. Public Service Commission*, respondent) seems to be in point. The following is quoted from that decision:

"In fixing the rate base the Commission disallowed certain overhead expenses claimed by the relator to have been incurred in constructing, organizing and developing the sixty miles of trackage involved except as to the amount of \$40,000 allowed for organization and development. These expenses were itemized by the relator as preliminary, legal, administrative and engineering expenses. It has been customary to include in the rate base something for these expenses but the amount is largely theoretical and must be determined by the Commission with reference to the facts in each particular case. Generally speaking it is a question of fact for the Commission to determine. It is somewhat difficult to place pecuniary value on these ele-

ments. In this case the property of the relator was built up gradually and not as an entirety and the Commission states that the necessary engineering, legal and administration services in connection with the construction were furnished by the regular staff of the company whose salaries were charged to operating expenses. Undoubtedly this feature should receive due consideration but some portion of these expenses must necessarily have been incurred by reason of the organization, construction and development of the particular road in question.

We think, therefore, the Commission has proceeded on an erroneous principle in excluding these overhead expenses. As before stated, the amount which should be allowed may be problematical and the correct amount must be fixed by the Commission, but the amount heretofore fixed is the result of the application of an erroneous principle."

Stores Expenses

Stores Expenses are reported usually as a part of General Administration. In these discussions it has been found necessary to consider the item separately.

The Committee's allowance for Stores Expenses is derived from the Company's records of cost of the entire Stores Expenses of the Company (excluding coal), by apportioning the same annually to each feature on the basis of the ratio of the value of the stores disbursed for each purpose to the total value of the stores disbursed for all purposes for the several periods from April 1, 1913 to March 31, 1922.

The Stores Expenses as charged by the Interborough Company are generally divisible into the following two classes:

1. Wages of storekeepers, of clerical assistants who keep records of stores, and of tenders who handle stores at the store places. These amounts are shown on accompanying schedule. The total of this amount for the period from April 1, 1913 to March 31, 1922 is \$936,411.62.

2. Expense for trucking, wages of men from various departments called upon to assist in unloading freight on incoming stores, and wages and incidental expenses of workmen erecting bins and doing other special work at store places. The totals of these amounts are also shown on accompanying schedules. The total of this class for the period from April 1, 1913 to March 31, 1922 is \$714,846.14.

The Interborough Company charged all of the stores expenses under Class 1 above, whether for Contract No. 3 supplies, Elevated Extension Supplies, or General Operating Supplies, to the General Stores Expense Account Operation. Each month, however, the General Stores Account was credited with an amount which was charged to cost under Contract No. 3 and the related certificates as a general charge for stores expenses (in Jobs C-7, D-7, F-8, H-8, K-5 and L-37).

Tabulation of figures as given in the Company General Stores account showing amounts charged to Contract No. 3 and amounts charged to Related Certificates are as follows:

Period.	Contract 3.	Related Certificates.	Total.
April 1, 1913 to June 30, 1913 .....	.....	.....	.....
July 1, 1913 to June 30, 1914 .....	.....	.....	.....
July 1, 1914 to June 30, 1915	\$13,650.00	\$13,650.00	\$27,300.00
July 1, 1915 to June 30, 1916	13,384.85	13,384.90	26,769.75
July 1, 1916 to June 30, 1917	13,718.28	13,718.28	27,436.56
July 1, 1917 to June 30, 1918	16,461.84	16,461.96	32,923.80
July 1, 1918 to June 30, 1919	8,559.57	7,744.47	16,304.04
July 1, 1919 to June 30, 1920	10,227.00	6,818.04	17,045.04
July 1, 1920 to Dec. 31, 1920	5,780.52	3,853.62	9,634.14
	\$81,782.06	\$75,631.27	\$157,413.33

These amounts are the totals each year of the amounts credited each month to General Stores Expense as the permissible charges to Contract 3 and Related Certificates.

The Interborough Company charged the stores expense under class 2 above to the stores expense account for which the expense was incurred. Thus the cost for general stores expense was charged to General Stores Expense (operation); the cost for Contract No. 3 was charged to Cost of Equipment Contract No. 3 (Job D-31), and the cost for Elevated Extension supplies was charged to Cost of Elevated Extensions (Job K 25). The expenses for handling stores from the time of their leaving the store tenders' possession were charged to the particular job or group for which they were destined.

In the case of Contract No. 4, the New York Municipal Railway Corporation performed actual construction work for Construction and Equipment, and as a rule did no maintenance work, which was done by the New York Consolidated Company. Hence the expenses of the New York Municipal Railway Corporation were fully chargeable, except in isolated instances, to capital, and the charges of the various employees could be allocated in full to some particular capital cost. In cases where an allocation of general costs of stores was to be made, a method not as yet accepted by the Company however, was adopted, which is shown on page 270 of the 32nd Determination, Contract 4. Thus in the 38th St. Yards the costs of handling particular materials were kept segregated from the time that these particular materials were known to be destined for either Company's or City's construction, and on the basis of the separate costs for handling materials thus obtained, the total general costs for handling stores were allocated between City's and Company's construction.

The handling of stores by the Interborough Company presented a different condition. There was no separate company to carry out the provisions of Contract No. 3. The Interborough Company was in existence with an organization operating railroads before assuming the obligations of Contract No. 3 and among its departments there was a General Stores Department whose functions were to handle the general stores for operating purposes. The expenses of this department consisted, as stated before, of a storekeeper's monthly payroll for clerical work, a weekly payroll for tenders, and watchman, the portions of the payrolls of other departments that rendered services to the General Stores Department by furnishing labor for the unloading of shipments, making bins, shelving and partitioning etc., and expenses for stationery supplies, coal, computation machines and various incidentals.

The General Stores Department was called upon to assume the duties of caring for the supplies of Contract No. 3 and Related Certificates in addition to those of their Operating Stores. They used the same stores department organization augmented in force to meet changed conditions. The expenses for clerical work and tending on account of stores charged to Contract 3 and Related Certificates were a portion of what the Interborough Company interpreted as the amount allowed by the Commission for administration and stores expenses per month, and were correspondingly credited to General Stores Expense (Operating).

These charges were uniform over considerable periods of time, and were modified or ceased according as the different groups of the railroads went into operation. The Company records for General Stores show that they commenced in July 1, 1914 and ended December 31, 1920. Prior to July 1, 1914 there were the same total charges made for administration, but the General Stores Operation Account show no corresponding credits as they do subsequently.

The charges for handling Contract No. 3 and Elevated Extension Supplies other than expenses enumerated above for clerical work, etc., such as trucking, loading, and unloading, were charged direct to capital cost under Job Nos. D-31 and K-25.

5. Interest during Construction Charged to Cost of Construction, Contract No. 3

The interest during construction charged by the Company to Contribution to Cost of Construction, Contract No. 3 to March 31, 1922, was \$11,223,450.46. The amount allowed in the determination was \$10,365,401.95, the change being based on the formula explained under caption 11 on page 12 of the 32nd quarterly determination. By agreement between the committees it is recommended that the amount be fixed at \$11,129,424.61.

Interest on moneys provided, from the time of providing the money to the date when the property for which it was provided is placed in operation, is

chargeable to capital—in this case payable out of the proceeds of the bond issue; thereafter, it is chargeable to operations—payable out of the revenues.

As the Company was to contribute a limited sum to the cost of construction of the Railroad, the City providing the remainder, question was raised as to the method of determining when the respective shares of Company and City were placed in operation. It was observed that when the Company moneys were provided they were not provided for specific parts of the Railroad. Nor were they provided for the entire completed Railroad, as witnessed by the fact that they were provided under a schedule whereby they were to be expended prior to January 1, 1917, although it was not expected that the entire Railroad would be completed until long after that date.

In view of the above facts the formula used in your determination was established, in which it was assumed that the Interborough Company provided its contribution for the Railroad generally, to the limit of the then estimated cost. The method of apportioning the interest is given in the 32nd Quarterly determination (item 11, page 12) in the following words:

“The total cost of construction in operation is the sum of the City’s expenditures and the Lessee’s expenditures on the parts of the railroads operated. This total is divided between Lessee’s share and City’s share for the purpose of discontinuing the charges for interest thereon in the capital account and providing a basis for the respective deductions from revenue. Inasmuch as the Lessee’s contribution to cost of construction is deemed to be contributed generally to the Railroad, and the maximum limit to the contribution—\$58,000,000—was on the basis of an estimated total cost of construction of \$116,000,000, the Lessee’s share of the cost of construction in operation is deemed to be a pro rata part of the total cost of construction in operation limited to \$116,000,000, the ratio used being the relation between Lessee’s expenditures to date and the sum of City’s expenditures to date and Lessee’s expenditures to date each limited to \$58,000,000.”

The Company’s method of charging for interest during construction was predicated on the assumption that the moneys were provided for the parts of the Railroad on which they were ultimately expended.

Your Committee has agreed that the Company was justified in the method used, as being based upon a fair reading of the contract, up to the date when the Company was notified of the objection filed by the Commission to the inclusion in an earlier determination of the Company’s figures. That date was April 27, 1920.

In passing it may be said that a satisfactory understanding on the formula used in your determinations was reached with the Municipal Corporation in 1913, but there was of course no obligation on the Interborough Company to take notice of this fact.

The Interborough committee has deferred to the insistence of your committee on what it deems to be the reasonable interpretation of the contract—to be applied, however, only beginning with the date above given when the Company received notice.

The formula has been modified to the extent of substituting \$125,000,000 for \$116,000,000 as the actual preliminary estimated total cost of construction.

One result of the agreement is that the Company will not find it necessary to retain a part of the bond proceeds to pay interest in the future on any of the expenditures.

The Company’s charge for interest to March 31, 1922, as a part of its contribution to cost of construction, is reduced, by the application of the above stated procedure, in the amount of \$94,025.85. This reduction in interest during construction will be reflected by an increased charge against revenue under Contract No. 3. The Company cost for interest agreed upon by the committee is an increase in Company interest over the amount heretofore determined, of \$764,022.66. The resulting decrease in the City interest is \$552,965.02, this amount being charged against operations in the City’s account.

Interest in Cost of Equipment, Contract No. 3

The determined cost of interest in Cost of Equipment, Contract No. 3 is substantially larger than the amount reported by the Company. The determined

amount remains undisturbed by the committee. The increase was due to the fact that the cost of equipment ready for operation compiled by your assistants at the several dates involved was less than that reported by the Company, the Company's figures being overestimated. The addition to the interest charge to March 31, 1922, is \$391,178.64. This addition in the interest account will be reflected by a decreased charge against revenue under Contract No. 3.

Materials and Supplies, Contract No. 3

It was stated in your 32nd Quarterly Determination under Contract No. 3 that the Interborough Company had made an inventory of the Materials and Supplies on hand which had been purchased for Contract No. 3. We are informed by the Interborough committee that this was not so. They inform us, however, that an inventory has been made in the spring of the present year—1923, and have, by letter of President Hedley, agreed to send us a copy as soon as it is arranged and typed. It has not yet been received. The two committees understand that the stipulations submitted do not preclude the raising of any questions in connection with this account of Materials and Supplies.

Adjustments Without Alteration of Totals

Adjustments between accounts and job numbers are not precluded by the stipulations, and may be made from time to time as opportunity offers to eliminate inconsistencies and errors of classification if any.

City's Cost of Construction

The Commission and the Company, by the stipulation submitted, agree that the determined City's cost of construction is the City's cost of construction, except that it is reduced in the interest account by the amount hereinbefore stated, \$552,965.02 resulting from the adjustment in the Company's interest account.

Other Changes in City's Cost of Construction

It is understood between the committees that the indeterminate amounts referred to in the 32nd quarterly determination will as a matter of course be included in subsequent determinations:

Payments by City Comptroller to City Contractors without Commission's vouchers;

Credits upon recovery under defaulted contracts;

Rent of office building.

As to Objections filed on behalf of Corporation Counsel

The Commission has from time to time filed objections on behalf of the Corporation Counsel of the City of New York. The said objections, generally speaking, recite with approval the several disallowances from Company's reported costs as made in your determinations. Your acceptance of this report will effect a denial of the Corporation Counsel's recommendations. The Corporation Counsel also objected to the classification of the cost of certain work on equipment as cost of construction. On such items you had prior to the determination considered the arguments. Your committee has left these items as determined undisturbed.

Undoubtedly the most important of the Corporation Counsel's objections is one which was filed only in connection with the later determinations rendered, namely, the 33rd to the 36th quarterly determinations under Contract No. 3, but the objection is worded to apply to all determinations from the beginning. This objection is to the inclusion of the cost of replacements. Although no details are specified in the objections, there is no doubt that cost of replacements are included in the determinations under Contract No. 3. The job number descriptions in the determinations are very clear as to that. Each such job number was passed upon by the engineering department prior to your term of office as being in conformity with the contractual provisions, in particular as to the replacements made in connection with the expansion of the existing power facilities so as to furnish power for the railroads built under Contract No. 3. Contract No. 3, Article XXXVIII reads, in part, as follows:

"It is the expectation of the parties that through the utilization of the power house, substations and other electrical equipment forming part of the Existing Equipment adequate power will be afforded for the operation of the Railroad (including Additions) without the construction of additional power houses. In furtherance of this purpose the Lessee may improve, reconstruct, modify or change the power houses, substations and other electrical equipment forming part of the Existing Equipment and include such improvements, reconstructions, modifications or changes in Equipment to be furnished under this contract."

No change has been made as a result of the Corporation Counsel's objections.

The Corporation Counsel objected likewise to the inclusion of replacements in the cost of the Manhattan Railroad Additional Tracks and Elevated Extensions. The respective certificates clearly provided for such inclusion of replacements not due to wear and tear and necessitated by the new work. Your reports on the cost of these groups made clear that cost of replacements due to wear and tear had been excluded, and the two committees have agreed to maintain such exclusion. But the cost of replacements not due to wear and tear and necessitated by the construction of the additional tracks and elevated extensions has been included. This question has been arbitrated in the case of the "Existing Railroads"—elevated lines—under Contract No. 4. The decision of the arbitrators in that case has been applied here. An informal inquiry of the source of the objection disclosed that they deemed it possible that an arbitration of the same question on the Interborough lines might result differently.

As to replacements not due to wear and tear from operation in the Manhattan Power Plant, appropriate reservation of right to object has been made in the stipulation.

The Corporation Counsel objected to the inclusion of interest in excess of 6% on the 7% and 8% notes, urging as a reason "the profligate manner of handling its finances by the Interborough Rapid Transit Company. Also, a large part of the moneys raised by the note issue(s) were used to reimburse the treasury for past construction expenditures and not to finance new construction." Your committee, while feeling that a less liberal policy in the distribution of dividends from the earnings under Contract No. 1 would have eased the credit position of the Company is of the opinion that the necessity for the 7 and 8 percent notes was the World War, and is in no way, within the purview of Contract No. 3, attributable to the basis of the Corporation Counsel's objection.

PERIOD SUBSEQUENT TO THE PERIODS COVERED BY THE STIPULATIONS SUBMITTED

Memorandum of Points Agreed to Between the Committee Representing the Transit Commission and the Interborough Rapid Transit Company, in relation to the Computation of Cost to the Company under Contract No. 3 and the Allied Certificates from March 31, 1922 to June 30, 1923.

1. That the Commission paid, in connection with the sale of six percent. ten year notes applicable to the portion of those notes which were issued to provide additional moneys for additional equipment under Contract No. 3 be classified as debt discount and included in the determined cost under Equipment subject to apportionment if found necessary; such being accepted by the Commission's committee with the understanding that all the determined cost will remain in the Capital Account only so long as the proper application of the sinking fund provisions of Subdivisions 8 and 9 of Article XLIX of Contract No. 3 will permit.

2. That the general allowance for administration and legal expenses be computed at one-half of one per cent. upon the cost of labor and material for Construction under Contract No. 3 and at one per cent under Equipment. Contract No. 3, Manhattan Third Track Elevated Extensions and Manhattan Power Plant Improvements.

3. That the debt discount in connection with additions to third tracking and additions to existing Manhattan lines be stated at the rate of discount met by the Interborough Company upon the initial sale of securities issued to provide moneys for these purposes.

4. That the interest on the cost of 42 composite cars, not yet in use, shall cease to be charged to Elevated Extension Equipment at March 31st, 1922, and that it will be charged against the operations from that date.

5. That the charge made by the Company for general engineering, administration, legal and stores expenses in connection with the additions to third track and the additions to the existing Manhattan Lines be allowed to stand to June 30th, 1923, and that the rate of five per cent on cost of labor and material be applied after that date.

6. That the charge for general engineering, administration, legal and stores expenses in connection with Additions to Construction, Contract No. 3, be computed at five percent of the cost of labor and material on all jobs, final figures for which have not been computed and submitted to date.

JOHN E. COOPER,

Chief, Bureau of Accounting & Valuations.

FREDERICK WILCOCK,

Auditor of Rapid Transit Costs.

WILLIAM G. FULLEN,

Assistant Counsel.

Resolved, That the foregoing report be and the same hereby is approved.

1232—R. T. 6567

Contract No. 3—Proposed Stipulation with Interborough Rapid Transit Company as to Rights of City and Company in Event that Corporation Counsel Has Legal Right to File Objections to Determinations of Cost to March 31, 1922—Approval Resolution.

The following resolution was adopted:

Resolved, That the following stipulation relative to rights of City and Interborough Company in event Corporation Counsel is held to have legal right to file objections be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized to execute and deliver the same:

STIPULATION entered into this day of August, 1923, between the Transit Commission of the State of New York (hereinafter referred to as the "Commission"), acting for and on behalf of The City of New York, and Interborough Rapid Transit Company (hereinafter referred to as the "Company").

Whereas, The Commission and the Company have, by stipulation bearing even date, herewith agreed as to costs paid or accrued to March 31, 1922, and that redeterminations made in accordance therewith will not be objected to by either of said parties but will be accepted as such cost; and

Whereas, Certain objections were filed with the said Chief Engineer by the Corporation Counsel of The City of New York to certain of said quarterly determinations which the said Chief Engineer, while not conceding the right of the said Corporation Counsel to file said objections, has nevertheless considered and passed upon them; and

Whereas, For the purpose of expressing the mutual understanding of the parties hereto as to their respective rights under Contract No. 3 and this stipulation in the event that it be determined in a court of competent jurisdiction that said Corporation Counsel has and had the right to file objections on behalf of The City of New York to the Chief Engineer's determinations and to give notice of arbitration so as to confer jurisdiction upon arbitrators in accordance with said Contract No. 3, the parties hereto desire to enter into this stipulation.

Now Therefore, It Is Stipulated and Agreed:

1. In the event that it shall ultimately be held by a court of competent jurisdiction that the Corporation Counsel of the City of New York has and had the right to file objections to the Chief Engineer's determination and to give notice of arbitration so as to confer jurisdiction upon such arbitration, then and in that event, anything hereinbefore contained to the contrary notwithstanding, the time of the Commission and the Company, and each of them, to give written notice of arbitration under said contract, shall for all purposes

be deemed to have been extended until sixty days after such right of the said Corporation Counsel has been established, and either the Commission or the Company may bring up in such arbitration such questions with respect to the redeterminations of the Chief Engineer as they may deem expedient and advisable, it being distinctly understood, stipulated and agreed, any provision of Contract No. 3 to the contrary notwithstanding, that the right of the Commission or the Company in this stipulation provided shall not be limited to the submission to arbitration of items as to which they have heretofore filed objections, and which objections have been redetermined by the Chief Engineer but shall extend and apply to all, any and every item of cost, determined or redetermined by the Chief Engineer in accordance with a certain stipulation entered into between the parties hereto and bearing even date herewith with respect to determinations and redeterminations of cost under said Contract No. 3, with the same force and effect as if the Commission or the Company had filed an objection to each and every such item of cost and that the same had been redetermined by the Chief Engineer.

1233—R. T. 6567

Contract No. 3—Proposed Stipulation with Interborough Rapid Transit Company Providing for Adjustment of Items in Dispute in Determinations of Cost to March 31, 1922—Approval Resolution

The following resolution was adopted:

Resolved, That the following stipulation with respect to cost under Contract No. 3 be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized to execute and deliver the same:

STIPULATION entered into this day of August, 1923, between the Transit Commission of the State of New York, (hereinafter referred to as the "Commission") acting for and on behalf of The City of New York, the Interborough Rapid Transit Company, (hereinafter referred to as the "Company"), and the Chief Engineer of the Transit Commission (hereinafter referred to as the "Chief Engineer").

Whereas, At divers dates the Chief Engineer of the Public Service Commission for the First District, the Chief Engineer of the Transit Construction Commissioner and the Chief Engineer of the Transit Commission have rendered certain quarterly determinations of the cost paid or accrued under the provisions of Contract No. 3, the last of which determinations being the Thirty-sixth Quarterly determination of the said cost paid or accrued to March 31, 1922; and

Whereas, Certain objections to said quarterly determinations were filed with the Chief Engineer in respect to the cost so determined as aforesaid, and

Whereas, The Commission, the Chief Engineer and the Company have been conferring with a view to adjusting the costs paid or accrued to March 31, 1922, under said Contract No. 3, and for the purpose of expressing their mutual understanding and accord, they desire to enter into this stipulation.

Now, Therefore, it is hereby stipulated and agreed,

First: The Chief Engineer may withdraw the redeterminations of the first to the ninth quarterly determinations, both inclusive, bearing date the 23d day of February, 1921, such withdrawal to have the same force and effect as though such redeterminations had not been rendered.

Second: The Chief Engineer may render his redeterminations of the first to the ninth quarterly determinations at the time he renders his redeterminations of the tenth to the thirty-sixth quarterly determinations.

Third: The Chief Engineer may render a redetermination of the costs paid or accrued to March 31, 1922, under Contract No. 3, so as to include the item or items determined in the first to the thirty-sixth quarterly determinations, and in addition thereto, the following items:

Company's Contribution to Cost of Construction of the Railroad

(1) Labor and Material—		
Job C-S-9—Charges for power for operating pump at Murray Street	\$	63.60
(3) Debt Discount		23,965.33
(5) Debt Expense and Superintendence.....		10,792.93
General Administration and Legal Expenses.....	\$9,039.64	
Amounts paid to outside Counsel.....	14,550.07	
Specific charges of Administration.....	362.50	
Stores Expenses	4,920.00	
(7) Interest		764,022.66
Total Specific Items		<u>\$798,844.52</u>

Equipment

(1) Labor and Material.....		\$38,278.89
Time of Foremen Coughlin and Locke in connection with drainage system 7th Avenue and Lexington Avenue Lines.....	\$4,189.91	
Job D-B-207—Repairs to Blowers, Shaft No. 4, Queensboro Line	540.11	
Jobs D-S-96 and D-L-426—Signal Dept. charges for installation of equipment during operation	7,732.11	
Job D-L-363—Work in connection with circuit breakers 110th Street and Lexington Avenue	119.84	
Jobs D-B-111, 112, 117, 118, 119 and 120—Circuit Breaker Houses, account lighting in Queens	105.35	
Charges for coal and other supplies used at 128th Street and 129th Street Shops in connection with equipping of cars including \$894.40 which is to be credited out in the Thirty-eighth Quarter	13,074.58	
Jobs D-S-255, 270 and 271, D-L-480/82—Watching material on 7th and Lexington Avenue Lines. \$12,179.63		
Withdrawn	2,262.00	
	<u>\$9,917.63</u>	
Included in the 36th Quarterly Determination	200.71	9,716.92
Job D-W-75—396 ft. 2,000,000 C. M. bare cable.....	356.40	
Job D-30—Material for Contract No. 3 Supplies.....	2,443.67	
(4) Debt Expense and Superintendence.....		283,496.02
General Administration and Legal Expenses..	\$161,069.00	
Amounts paid to outside Counsel.....	11,151.64	
Specific charges of Administration.....	137.50	
Stores Expenses	111,137.88	
Total		<u>\$321,774.91</u>

Additional Equipment

(4) Debt Expense and Superintendence		\$12,499.07
Sub-divided:		
Additional Administration and Legal Expenses	\$1,818.00	
Stores Expenses	10,681.07	
Total		<u>\$12,499.07</u>

Additions to Construction

Debt Discount		\$193.61
Eliminate all debt discount charged.		
Total		<u>\$193.61</u>

Fourth: The actual and necessary net cost as of March 31, 1922, resulting from said determinations as amended and supplemented, by the items of the Definitions of Cost under said Contract No. 3, is as follows:

Company's Contribution to Cost of Construction of Railroad

Labor and Materials	\$40,662,472.11
Real Estate	2,039,451.26
Debt Discount and Expense	1,724,633.81
Superintendence	959,271.32
Taxes	294,587.53
Interest	11,807,377.76
Total, Construction of The Railroad	<u>\$57,487,793.79</u>

Additions to The Railroad and the Existing Railroads

Labor and Materials	\$8,577.07
Total, Additions to Construction	<u>\$8,577.07</u>

Equipment Provided for Initial Operations

Labor and Materials	\$35,527,562.17
Real Estate	563,157.68
Debt Discount and Expense	1,613,235.00
Superintendence	2,956,408.85
Taxes	312,346.73
Interest	4,267,310.05
Total, Equipment for Initial Operation	<u>\$45,260,020.48</u>

Additional Equipment, Provided Subsequent to Initial Operation

Labor and Materials	\$239,193.01
Superintendence	18,216.88
Total, Additional Equipment	<u>\$257,409.89</u>

Fifth: The Commission and the Company agree to make no objection to the redetermination of the cost paid or accrued to March 31, 1922 under Contract No. 3 made in accordance with this stipulation.

Sixth: The Chief Engineer, in view of the accord between the Commission and the Company as expressed herein, hereby agrees to render his redetermination of the cost paid or accrued to March 31, 1922 under said Contract No. 3, in accordance with this stipulation.

Seventh: The Commission and the Company agree that the determined City cost to March 31, 1922, as determined by the Chief Engineer in the first to the

thirty-sixth quarterly determinations inclusive under Contract No. 3 is the cost of Construction to the City, except the reduction of \$572,965.02 in the amount of city's interest which results from the adjustment made in Company's Interest in accordance with this stipulation.

1234—R. T. 6567

Elevated Extension Certificate—Proposed Stipulation with Interborough Rapid Transit Company Providing for Adjustment of Items in Dispute in Determinations of Cost to March 31, 1922—Approval Resolution

The following resolution was adopted:

Resolved, That the following stipulation with respect to cost of Manhattan Railroad additional tracks, be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized to execute and deliver the same:

STIPULATION entered into this day of August, 1923, by and between the Transit Commission of the State of New York (hereinafter called the "Commission"), acting for and on behalf of The City of New York, and the Interborough Rapid Transit Company (hereinafter called the "Interborough Company").

Whereas, The Public Service Commission for the First District awarded to the Manhattan Railway Company, being the lessor of the Interborough Company, a certificate dated March 19, 1913, authorizing additional tracks on Second Avenue, Third Avenue, and Ninth Avenue, mainly in the Borough of Manhattan, City of New York; and

Whereas, It was provided in said Certificate that the Manhattan Company shall present a statement in writing in which shall be included the expenditures made by the Manhattan Company in or about the acquisition or construction of the plant and property of any of the railroads as defined in said Certificate, showing the actual cost of the plant and structure of each of the railroads or of such equipment or additions from time to time of the same, including any such modifications, reconstructions and improvements or betterments of such existing structures and in case of additions, the date of the making of the same; and

Whereas, The term "Manhattan Company" as defined in said Certificate means The Manhattan Railway Company, its successors, assigns, lessee, transferee or any corporation which may thereafter succeed by consolidation or merger to the rights of the said Manhattan Railway Company; and

Whereas, The Interborough Company was on the date of the awarding of said Certificate and has been at all times since the lessee of said Manhattan Railway Company; and

Whereas, The Chief Engineer of the Commission rendered certain reports to the Commission bearing date respectively, November 21, 1921, April 22, 1922, July 31, 1922, September 19, 1922, and December 27, 1922, wherein the said cost as at March 31, 1922, as reported by the Interborough Company and revised by the said Chief Engineer, is set forth; and

Whereas, The Commission and the Interborough Company have been conferring and adjusting items of cost under various contracts and certificates, including the items of cost under the aforesaid certificates; and

Whereas, The Commission and the Interborough Company are willing to consider and accept the aforesaid reports of said Chief Engineer as amended and supplemented by this stipulation, as the said statement of cost required to be filed under said Certificate.

Now, Therefore, It Is Hereby Stipulated and Agreed as Follows:

1. The aforesaid reports of the Chief Engineer reporting the cost of Additional tracks and Additions to Additional tracks as modified and supplemented herein be and the same are deemed to be the statement required to be filed by Article X of said certificate of the actual and necessary net cost as at March 31, 1922 of the plant and structure of each of the railroads and of the equipment and additions which have been made under said Certificate.

2. The said reports are supplemented so as to include the following amounts:

Plant and Structure:

(1) Labor and Material	\$112,775.55
Payments to the contractors for items previously considered as "Plant" and of 15% upon the cost of work done for the contractor by the Company.	
(2) Real Estate	33.75
15% upon the cost of work done for the contractor by the Company.	
(3) Debt Discount	8,747.70
(5) Superintendence	170,032.57
General Administration and Legal Expenses	\$89,568.14
Amounts paid to outside counsel.....	3,691.43
Stores Expense	76,773.00
	<hr/>
Total	\$291,589.57

Equipment:

(3) Debt Discount	\$75.05
(5) Superintendence	2,424.86
General Administration and Legal Expenses.	
	<hr/>
Total	\$2,499.91

3. The actual and necessary net cost as at March 31, 1922, resulting from said reports as amended and supplemented, by the items of the Definitions of cost under said certificate, is as follows:

Plant and Structure:

Labor and Materials	\$14,259,719.14
Real Estate	3,890,700.95
Debt Discount and Expense.....	638,974.56
Taxes	174,720.91
Interest	935,797.77
Superintendence	1,399,238.42
	<hr/>
Total Plant and Structure.....	\$21,299,151.75

Equipment:

Labor and Materials	\$219,299.45
Debt Discount and Expense.....	7,104.93
Superintendence	10,426.75
	<hr/>
Total Equipment	\$236,831.13

Additions: Plant and Structure:

Labor and Material	\$84,500.96
Superintendence	6,696.65
	<hr/>
Total Additions	\$91,197.61

4. The Commission and the Interborough Company approves the foregoing statement as the actual cost as at March 31, 1922, of the plant and structure of each of the railroads and of the equipment and additions as defined and which have been provided under said certificate.

1235—R. T. 6567

Additional Tracks Certificate—Proposed Stipulation with Interborough Rapid Transit Company Providing for Adjustment of Items in Dispute in Determinations of Cost to March 31, 1922—Approval Resolution

The following resolution was adopted:

Resolved, That the following stipulation with respect to cost of Manhattan Railroad Elevated Extensions be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized to execute and deliver the same:

STIPULATION entered into this day of August, 1923, by and between the Transit Commission of the State of New York (hereinafter called the "Commission"), acting for and on behalf of The City of New York, and the Interborough Rapid Transit Company (hereinafter called the "Interborough Company").

Whereas, The Public Service Commission for the First District awarded to the Interborough Company, a certificate dated March 19, 1913, authorizing extensions of elevated railroads therein designated as Webster Avenue Line, Eighth Avenue and 162nd Street Connection, Queensboro Bridge Line and the West Farms Subway Connection, in the City of New York; and

Whereas, It was provided in said Certificate that the Interborough Company shall present a statement in writing in which shall be included the expenditures made by the Interborough Company in or about the acquisition or construction of the plant and property of any of the railroads as defined in said Certificate, showing the actual cost of the plant and structure of each of the railroads or of such equipment or additions thereto from time to time of the same, and in case of additions, the date of the making of the same; and

Whereas, The Chief Engineer of the Commission rendered certain reports to the Commission bearing date respectively, November 21, 1921, April 22, 1922, July 31, 1922, September 19, 1922 and December 27, 1922, wherein the said cost as at March 31, 1922, as reported by the Interborough Company and revised by the said Chief Engineer is set forth; and

Whereas, The Commission and the Interborough Company have been conferring and adjusting items of cost under various contracts and certificates, including the items of cost under the aforesaid Certificate; and

Whereas, The Commission and the Interborough Company are willing to consider and accept the aforesaid reports of the said Chief Engineer as amended and supplemented by this stipulation as the said statement of cost required to be filed under said Certificate.

Now, therefore, it is hereby stipulated and agreed as follows:

1. The aforesaid reports of the Chief Engineer reporting the cost of Elevated Extensions as modified and supplemented herein be and the same are deemed to be the statement required to be filed by Article XI of said certificate of the actual and necessary net cost as at March 31, 1922 of the plant and structure of each of the railroads and of the equipment and additions which have been made under said Certificate.

2. The said reports are supplemented so as to include the following amounts:

Plant and Structure:

(1) Labor and Material.....	\$3,119.59
Payments to the Contractor for expenditures originally considered by the Chief Engineer as "Plant".....	\$1,966.89
Rental of dock at 146th Street, February and March 1916	412.00
Value of cable used.....	740.70
(3) Debt Discount.....	1,252.02
(5) Superintendence	37,362.21
General Administration and Legal Expenses.....	\$22,739.00
Amounts paid to outside counsel.....	1,347.51
Specific charges of Administration.....	100.20
Specific legal charges.....	112.50
Stores expenses	13,063.00
Total	\$41,733.82

Equipment:

(1) Labor and Material.....	\$14,035.84
Coal and Other Supplies used at 128th Street Yard in connection with equipping copper sheathed cars for Elevated Extension pur- poses.	
(3) Debt Discount	1,692.62
(5) Superintendence	40,691.87
General Administration and Legal Expenses.	\$33,464.00
Amounts paid to outside counsel.....	832.31
Stores Expenses	6,395.56
Total	\$56,420.33

3. The actual and necessary net cost as at March 31, 1922, resulting from said reports as amended and supplemented, by the items of the Definitions of cost under said certificate, is as follows:

Plant and Structure:

Labor and Materials.....	\$3,869,357.48
Real Estate	796,870.36
Debt Discount and Expense.....	194,316.15
Taxes	56,269.94
Interest	1,162,587.10
Superintendence	397,804.09
Total Plant and Structure.....	\$6,477,205.12

Equipment:

Labor and Materials.....	\$5,737,043.94
Debt Discount and Expense.....	200,970.29
Taxes	44,323.47
Interest	473,452.59
Superintendence	243,219.43
Total Equipment	\$6,699,009.72

4. The Commission and the Interborough Company approve the foregoing statement as the actual cost as at March 31, 1922, of the plant and structure of each of the railroads and of the equipment and additions as defined, and which have been provided under said certificate.

1236—R. T. 6567

Manhattan Power Plant—Proposed Stipulation with Interborough Rapid Transit Company Providing for Adjustment of Items in Dispute in Determinations of Cost to March 31, 1922—Approval Resolution

The following resolution was adopted:

Resolved, That the following stipulation with respect to cost of Manhattan Power Plant Improvement be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized to execute and deliver the same:

STIPULATION entered into this day of August, 1923, by and between the Transit Commission of the State of New York (hereinafter called the "Commission"), acting for and on behalf of The City of New York, and the Interborough Rapid Transit Company (hereinafter called the "Interborough Company").

Whereas, The Public Service Commission for the First District awarded to the Manhattan Railway Company, being the lessor of the Manhattan Railroad to the Interborough Company, a certificate, dated March 19, 1913, authorizing additional tracks on Second Avenue, Third Avenue and Ninth Avenue, in the City of New York, (hereinafter referred to as "Additional Track Certificate"); and

Whereas, The Public Service Commission for the First District awarded to the Interborough Company a certificate, dated March 19, 1913, authorizing extensions of elevated railroads in the City of New York therein designated as Webster Avenue Line, Eighth Avenue and 162nd Street Connection, Queensboro Bridge Line and the West Farms Subway Connection (hereinafter referred to as the "Extension Certificate"); and

Whereas, Under the provisions of Subdivision 7 of Article XII of the Extension Certificate, the Interborough Company is entitled to deduct quarterly from revenue from the Company Lines (as defined in said Certificate), an amount equal to one-quarter ($\frac{1}{4}$) of the interest actually and necessarily payable by the Interborough Company upon bonds issued by the Interborough Company with the approval of the Public Service Commission for the First District for improvements to power house, substations, transmission lines and electrical apparatus required in connection therewith, forming part of and supplying the Company Lines which shall be necessary to provide additional power for the operation of the extensions (including trackage rights) and the additional tracks authorized by the Additional Track and Extension Certificates; and

Whereas, The Public Service Commission of the First District, on March 20, 1913, under Case 1614, on July 27, 1917 under Case 2182, and on September 5, 1918, under Case 2306, approved the issue of bonds and notes by the Interborough Company to pay the cost of the improvements, reconstructions or changes to the power house, substations, transmission lines and electrical apparatus required in connection therewith, then forming part of and supplying the lines of the existing Manhattan Railroad (other than repairs, maintenance or replacements), necessary to provide additional power for the operation of the extensions (including trackage rights) and the additional tracks authorized by the Additional Track and Extension Certificate, but including replacements not due to wear and tear from operation and necessitated by the modification or reconstruction of said existing power house, substations, transmission lines or electrical apparatus to facilitate such purpose; and

Whereas, The Commission and the Interborough Company have been conferring and adjusting items of cost under various contracts and certificates including the items of cost for said improvements, reconstructions or changes to the said power house, substations, transmission lines and electrical apparatus; and

Whereas, The Chief Engineer of the Commission rendered certain reports to the Commission bearing dates respectively November 21, 1921, April 22, 1922, July 31, 1922, September 19, 1922 and December 27, 1922 wherein is set forth the cost of said improvements, reconstructions or changes as reported by the Interborough Company as at March 31, 1922, together with adjustments in certain items of cost as made by the Chief Engineer of the Commission; and

Whereas, The Commission and the Interborough Company are willing to consider and accept the aforesaid reports of said Chief Engineer as amended and supplemented by this Stipulation as a statement of the cost of said improvements, reconstructions or changes—it being understood that the term Power Plant Improvements as used in said reports includes reconstructions, changes or replacements.

Now, therefore, it is hereby stipulated and agreed as follows:

1. The aforesaid reports of the Chief Engineer reporting the cost of said improvements, as modified and supplemented herein be and the same is deemed to be a statement of the actual and necessary net cost as at March 31, 1922 of the said improvements, reconstructions or changes, including replacements not due to wear and tear from operation.

2. The said reports are supplemented so as to include the following amounts:

Labor and Material:		
Cost of one pump.....		\$60.00
Superintendence		57,921.04
General Administration and Legal Expenses.....	\$33,589.00	
Amounts paid to outside counsel.....	727.04	
Stores expenses	23,605.00	

Total		<u>\$57,981.04</u>
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3. The actual and necessary net cost as at March 31, 1922, resulting from said reports as amended and supplemented, of said Manhattan Power Plant including replacements not due to wear and tear from operation.

Improvements, Reconstructions or Changes, is as follows:

Labor and Materials.....	\$4,975,522.02
Superintendence	489,175.60
Interest	248,140.32

Total Manhattan Power Plant Improvements, Reconstructions or Changes	<u>\$5,712,837.94</u>
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4. The Commission and the Interborough Company approve the foregoing statement as to the actual cost as at March 31, 1922, of the said improvements, reconstructions or changes, including replacements not due to wear and tear from operation, reserving, however, and without prejudice to the Commission, the right to object to a deduction from pooled revenues under the Extension Certificate (Article XII, subdivision 7) of interest on the cost of reconstruction or changes, including replacements not due to wear and tear from operation.

1237—Case 2697

Interborough Rapid Transit Company—Installation of Experimental One Mile of Block Signals on Local Tracks of Elevated Lines—Resolution Approved Directing Hearing and Authorizing James B. Walker, Secretary, to Conduct Same

The Commission adopted and ordered filed a Resolution in Case No. 2697, directing a hearing on September 26, 1923 at 10:30 A. M. with particular respect to the above matter and certifying James B. Walker, Secretary to the Commission, pursuant to Sections 8 and 11 of the Public Service Commission Law, to conduct said hearing, to take the testimony therein and report same to the Commission together with his opinion thereon for its decision and determination.

1238—Case 2698

New York Rapid Transit Corporation—Installation of Experimental One Mile of Block Signals on Local Tracks of Elevated Lines—Resolution Approved Directing Hearing and Authorizing James B. Walker, Secretary, to Conduct Same

The Commission adopted and ordered filed a Resolution in Case No. 2698, directing a hearing on September 26, 1923 at 10:30 A. M., with particular respect to the above matter and certifying James B. Walker, Secretary to the Commission, pursuant to Sections 8 and 11 of the Public Service Commission Law, to conduct said hearing, to take the testimony therein and report same to the Commission together with his opinion thereon for its decision and determination.

1239—R. T. 6506

Contract No. 4—Communication from New York Rapid Transit Corporation Advising of Selection of W. S. Menden as Member of Depreciation Fund Board in Place of T. S. Williams and Agreeing to Appointment of Charles I. DeBoise as Third Member—Approved Resolution

A communication was presented from the New York Rapid Transit Corporation, dated August 31, 1923, transmitting a certified copy of a resolution of the Board of Directors naming W. S. Menden as a member of the Depreciation Fund Board under

Contract No. 4 in place of T. S. Williams, whose term expired on August 1, 1923, and agreeing to the appointment of Charles I. DeBevoise as the third member of the Board.

The following resolution was adopted:

Whereas, The contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, provides in Article LIII thereof as follows:

“*** Before the beginning of operation of any part of the Railroad the Commission and the Lessee shall each name an individual to be a member of such board. Within thirty (30) days thereafter the Commission and the Lessee shall agree upon the third member of such board.*** In the event of a vacancy in the office of any of the members of the board the successor shall be chosen in the same manner as above provided in case of the original nomination. Such Depreciation Fund Board shall administer the funds provided for in the paragraphs of Articles XLIX and LXX referred to and the members thereof shall receive as compensation for their services such amount and shall be appointed for such period as may from time to time be agreed upon by the Commission and the Lessee and such amount shall be included as part of the operating expenses referred to in paragraph 3 of Article XLIX.***”

; and

Whereas, By communication dated July 27, 1923 this Commission by its Secretary notified W. S. Menden, President New York Rapid Transit Corporation as follows:

“In connection with the personnel of the Depreciation Fund Board, under Contract No. 4, it is noted that the term of General Charles I. DeBevoise as a member, expires on August 1, 1923. Will you please advise the Commission as to the intention of your Company with respect to a selection for such membership.”

; and

Whereas, By communication dated August 31, 1923 W. S. Menden, President of New York Rapid Transit Corporation, notified this Commission as follows:

“I enclose herewith certified copy of the Resolution of our Board of Directors, naming me on behalf of this company, as a member of the Depreciation Fund Board, established by Article LIII of Contract No. 4 with the City of New York, in place of T. S. Williams whose term expired on August 1st, 1923.

I note from your letter of July 27th, that the term of General Charles I. DeBevoise, as member of the above Board, expires on August 1st, 1923. It will be agreeable to our company to have General DeBevoise continue as a member of this Board, and if this meets with the approval of the Commission, will you please arrange for the necessary formal action by the Commission.

I assume the appointment if made, will be made for the period of one year the same as previously.”

Resolved, That the Transit Commission hereby agrees to the appointment of Charles I. DeBevoise as the third member of the Depreciation Fund Board in accordance with the provisions of said Article LIII of said Contract No. 4 for a period of one year beginning on August 1, 1923 at the rate of \$2000 per annum.

1240—R. T. 7583

Contract No. 4—Report by Chief Engineer Recommending Acquisition of Property Necessary to Permit of Extension of Coney Island Storage Yard Site—Referred to Counsel

A report was presented from the Chief Engineer dated August 29, 1923, recommending approval of the acquisition of property needed to permit of the extension of the site of the proposed Coney Island Storage Yard, so that it may be bounded on the north by Avenue “X” and on the east by Shell Road. The matter was referred to Counsel for the preparation of the necessary condemnation proceedings.

1241—R. T. 7603

Route No. 52, Section No. 3—Report by Chief Engineer Submitting Copies of Letters from Oakdale Contracting Company, Inc., Relative to Delay in Removal of Buildings Along Amity Street—Letter to Acting Mayor

A report was presented from the Chief Engineer dated August 29, 1923, enclosing copies of five letters from the Oakdale Contracting Company, Inc., contractor for the construction of Section No. 3 of Route No. 52, Flushing Extension, relative to the removal of buildings along Amity Street necessary for the widening of the street and the construction of the subway.

The following letter was approved:

September 7, 1923.

HON. MURRAY HULBERT,
Acting Mayor,
City Hall, New York.

Dear Sir:

Under date of August 17, 1923, you are advised as President of the Board of Aldermen as follows:

"The contractor for the subway portion of the so-called Flushing Extension, the Oakdale Contracting Company, has been seriously delayed in the prosecution of its work under the contract with the City of New York because of the delay in the removal of buildings incidental to the widening of Amity Street in the Borough of Queens.

"Under date of June 21, 1923, the Secretary of the Transit Commission wrote identic letters to the Commissioners of the Sinking Fund of the City of New York, to the Comptroller of the City of New York and to the President of the Borough of Queens, as follows:

"The Chief Engineer of this Commission is in receipt of the following communication from the contractor, Oakdale Contracting Company, constructing under the supervision of the Transit Commission the subway portion of the Flushing Extension to the municipal rapid transit railroad system:

'TRANSIT COMMISSION,
Mr. ROBT. RIDGWAY,
Chief Engineer,
49 Lafayette Street,
New York City.

Re: Route 52—Section 3.

Gentlemen:

'On April 3rd, 1923, we wrote you as follows:

'In accordance with the provisions of Paragraph 20, Subdivision 2, General Clauses of our contract with the City of New York for the construction of Section 3, Route 52 of the Rapid Transit Railroad, we hereby notify you that we propose to begin the work of construction within ten days.

'In order to expedite this work we hereby request in accordance with Article LIII, Chapter VII of our contract, that possession be given us at once of all the private property which the City has already acquired or intends to acquire along Amity Street as required for the performance of this contract.

'Trusting that you will give this matter your prompt attention, we are'

'In your reply to our letter under date of April 10th, you state:

'You are advised that your letter is receiving attention.

'Up to the present time we have not been given possession of this property and we are creditably informed that prior to the 7th day of June no action whatever had been taken by the City in regard to this matter although the City has actually been receiving rent from a certain number of these properties for the past few months. We are also advised that

the owners and tenants of the buildings along Amity Street have had no notice from the City as to the date of sale of this property or as to the time it must be vacated by them.

'The provisions of our contract require that the City shall put us in possession of this property within sixty days after we have made the demand, and on the understanding that this would be done we have contracted for special plant and equipment and have planned to carry out our work following a certain sequence of operations as set forth in our letter to you under date of April 23rd, which schedule was laid out with the view of completing the work on contract time.

'Owing to the City's delay in giving us possession of this property we have already had to alter our plan of operation and have been put to considerable extra work and additional expense in connection with the work of by-passing, and unless summary action is taken to give us the necessary right of way at once the completion of this contract will be greatly delayed, and we will be put to a great deal of additional expense in carrying out our work.

'Under date of May 23rd we addressed a letter to the Sinking Fund Commission of the City of New York setting forth the above facts, and we are now advised that this Commission commenced proceedings on the 7th day of June to give us possession of this property, but we understand it will take approximately sixty days before we are able to proceed with this portion of our work.

'It would appear to us that the City has been very negligent in carrying out their part of the contract which negligence will result in considerable delay and additional expense to us in the performance of our contract, and we hereby protest the unreasonable delay in putting us in possession of this property and will hold the City responsible for any damages resulting therefrom.

'We would respectfully urge that every effort be now made so that we shall be given possession of this property without any further delay.

Yours very truly,

OAKDALE CONTRACTING COMPANY, INC.

(Sgd.) E. A. HERRICK,
General Manager.'

"The removal of these buildings is a part of the street widening proceeding and the Commission would appreciate any action that you may take to expedite the removal of the structures so as to permit of the continuation of subway construction so as to reduce to a minimum the basis of any claim that the subway contractor may have."

"The Commission would appreciate any action which would expedite the consummation of this aggravating matter which is not only delaying the completion of the public improvement but is affording a basis for substantial claims for damages by the contractor.

"I write this in view of the directions of his Honor, the Mayor, this morning, for a meeting of the Committee of the Sinking Fund to be held at 10:30 A. M., on Thursday, August 23, 1923, and for a meeting of the Sinking Fund Commission to be held at 11 A. M., on the same day."

At the meeting of the Sinking Fund Commission held pursuant to the direction of his Honor, the Mayor, on August 23, 1923, the Comptroller was not present and would not appear so that the meeting could not be held. The value of the buildings in comparison with the value and importance of the work being held up by their non-removal, seems to the Commission to justify some extraordinary means of ending a very embarrassing situation. The Commission therefore urgently requests that a special meeting of the Sinking Fund Commission be called at the earliest possible moment to finally dispose of the matter of the removal of the buildings in Amity Street as widened so as to permit of the prosecution of the work of completing the Flushing Subway Extension without further delay.

Very truly yours,

JAMES B. WALKER,
Secretary.

1242—Case 2627**Interborough Rapid Transit Company—Service and Equipment—Extension Order Adopted**

The Secretary presented a communication, dated September 6, 1923, from Frank Hedley, President & General Manager of the Interborough Rapid Transit Company, requesting an extension of time to September 20, 1923, within which to notify the Commission if Order in Case No. 2627, adopted August 22, 1923, amending Service Order "B," adopted May 2, 1922, was accepted and would be obeyed.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2627, granting the desired extension of time to September 20, 1923.

1243—R. T. 7591**Routes Nos. 70-A-1 and 70-B—Report by Chief Engineer Recommending Construction of Island Platforms at Not Less Than Eighteen Feet in Width and for Single Row of Columns on Platforms for North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue, Roebling Street and Bedford Avenue Routes—Approved**

The Commission approved a report by the Chief Engineer dated September 5, 1923, recommending the making of the island platforms proposed to be used on the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue, Roebling Street and Bedford Avenue Routes at not less than eighteen feet in width unless conditions require a variation therefrom and for the construction of such island platforms with but a single row of columns on the platform and a series of narrow stairways where arrangements can be made.

1244—R. T. 7661**Route No. 78—Report by Chief Engineer Recommending Construction of Island Platforms at Not Less Than Eighteen Feet in Width and for Single Row of Columns on Platforms for Central Park West, Manhattan Avenue and St. Nicholas Avenue Line—Approved**

The Commission approved a report by the Chief Engineer dated September 5, 1923, recommending the making of the island platforms proposed to be used on the Central Park West, Manhattan Avenue and St. Nicholas Avenue Route at not less than eighteen feet in width unless conditions require a variation therefrom and for the construction of such island platforms with but a single row of columns on the platform and a series of narrow stairways where arrangements can be made.

1245

Upon motion duly seconded and adopted the meeting was adjourned to Wednesday, September 12, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, September 10, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.
The following matters were presented and action taken as noted:

1246—R. T. 7681

Contract No. 3—Receipt of Bids for Construction of Enclosures of Third Addition to Shops at Lenox Avenue and 148th Street Yard—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of enclosures of third addition to the shops at Lenox Avenue and 148th Street Yard had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the five bids received. The bids were then referred to the Chief Engineer.

1247—R. T. 7684

Agreement "CO"—Receipt of Bids for Miscellaneous Drainage and Sewer Construction in Boroughs of Manhattan, Brooklyn and Queens—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the three bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, September 11, 1923

1248

Hearings

The following hearings were adjourned:

11:00 A. M. R. T. 7690—Proposed locations of stations on North Jane Street, Jackson Avenue and Newtown Creek, Route No. 70-A-1, and Manhattan Avenue, Roebing Street and Bedford Avenue, Route No. 70-B, Borough of Brooklyn. Adjourned to Thursday, September 13, 1923, at 11:00 A. M.

11:00 A. M. R. T. 7691—Proposed locations of stations on Central Park West, Manhattan Avenue and St. Nicholas Avenue, Route No. 78, Borough of Manhattan. Adjourned to Thursday, September 13, 1923, at 11:00 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, September 12, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1249—R. T. 7681

Contract No. 3—Resolution Authorizing Release of Checks to All But Lowest and Next to Lowest of Bidders for Construction of Enclosures of the Third Addition to Shops at Lenox Avenue and 148th Street Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on September 10, 1923, for the construction of enclosures of the Third Addition to Shops at the Lenox Avenue and 148th Street Yard, Contract No. 3, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders, the certified checks in the sum of Ten thousand Dollars (\$10,000.) each deposited with their bids as security therefor.

1250—R. T. 7684

Agreement "CO"—Resolution Authorizing Release of Checks to All But Lowest and Next to Lowest of Bidders for Miscellaneous Drainage and Sewer Construction in Boroughs of Manhattan, Brooklyn and Queens—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on September 10, 1923, for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, Agreement "CO", the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders, the certified checks in the sum of Three hundred Dollars (\$300) each deposited with their bids as security therefor.

1251—R. T. 7681

Contract No. 3—Report by Chief Engineer as to Receipt of Bids for Enclosures of Third Addition to Shops at Lenox Avenue and 148th Street Yard and Recommendation for Award of Contract to D. C. Serber at Bid Price of \$948,773.10—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

September 11, 1923.

To the TRANSIT COMMISSION:

Third Addition to Shops, Lenox Avenue and 148th Street Yard, Contract No. 3.

On September 10th the following bids were received for Construction of Enclosures, 3rd Addition to Shops of the Lenox Avenue and 148th Street Yard, Contract No. 3, the bids being asked for on two alternatives, one for brick construction and one for concrete construction. The bid for the concrete alternative being the lowest.

	Concrete	Brick
D. C. Serber.....	\$948,773.10	\$1,006,573.10
McHarg-Barton Co.	951,159.60	997,359.60
P. J. Carlin Con. Co.....	1,009,474.70	1,056,024.70
Rosenthal Engr. Const. Co.....	1,018,778.80	1,085,678.80
John T. Brady & Co.....	1,152,119.33	1,177,959.33

Our estimate for this work is, for concrete \$1,176,209.80 and for brick \$1,220,609.80. The lowest bidder D. C. Serber, has done considerable work for the Commission or its predecessors either under his own name or as a member of Serber-Stander, Inc. At one time he had contracts carried on for the Commission for work costing between \$450,000 and \$500,000. All his previous contracts for the Commission amounts in the aggregate to about \$650,000. All this work he has carried out to our satisfaction.

Attached I transmit copy of minutes of a conference held in my office today with Mr. Serber and also copy of a financial statement handed to me by him.

The prices given in Mr. Serber's bid are reasonable under present conditions and from our previous experience with Mr. Serber I consider him capable to carry out successfully this contract.

Recommendation: I recommend that the contract for Construction of Enclosures, 3rd Addition to Shops of the Lenox Avenue and 148th Street Yard, Contract No. 3, be awarded to the lowest bidder, D. C. Serber, at his bid price of \$948,773.10 and that a requisition be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the Construction of Enclosures of the Third Addition to Shops at the Lenox Avenue and 148th Street Yard (under Contract No. 3), was finally adopted on August 20, 1923, and subsequent to advertisement duly made, bids respectively totalling as follows were received on September 10, 1923:

	Concrete	Brick
D. C. Serber.....	\$948,773.10	\$1,006,573.10
McHarg-Barton Co.	951,159.60	997,359.60
P. J. Carlin Const. Co.....	1,009,474.70	1,056,024.70
Rosenthal Engr. Const. Co.....	1,018,778.80	1,085,678.80
John T. Brady & Co.....	1,152,119.33	1,177,959.33

; and

Whereas, The Chief Engineer of this Commission by communication dated September 11, 1923 has reported that the amount of the bid of D. C. Serber for concrete construction is reasonable and that the said D. C. Serber the low bidder for concrete construction under said proposed contract is financially able and competent to perform the work under said proposed contract and recommended the award of said proposed contract to him upon the basis of the alternative of concrete construction, and the making of a requisition upon the Board of Estimate and Apportionment for the sum of nine hundred forty-eight thousand seven hundred seventy-three dollars and ten cents (\$948,773.10), the amount estimated to be necessary to carry out said proposed contract upon the basis of concrete construction,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of D. C. Serber as aforesaid for the performance of the work under said proposed contract upon the basis of concrete construction be and the same hereby is accepted and the said proposed contract for the construction of Enclosures of the Third Addition to Shops at the Lenox Avenue and 148th Street Yard (under Contract No. 3), be and the same hereby is awarded to said D. C. Serber upon the basis of such concrete construction subject to its being approved and consented to in form and substance as required by law, and that said proposed contract together with requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent by said Board to the appropriation of the sum of nine hundred forty-eight thousand seven hundred seventy-three dollars and ten cents (\$948,773.10) estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

September 12, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission pursuant to the authority vested in it by Chapter 134 Laws of 1921 transmits for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and D. C. Serber, for the construction of Enclosure of the Third Addition to Shops at the Lenox Avenue and 148th Street Yard (under Contract No. 3), together with a requisition upon your Honorable Board for the appropriation of the sum of nine hundred forty-eight thousand seven hundred seventy-three dollars and ten cents (\$948,773.10), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals upon the alternative basis of concrete and brick construction for said proposed contract and bids were received on September 10, 1923 respectively totalling as follows:

	Concrete	Brick
D. C. Serber.....	\$948,773.10	\$1,006,573.10
McHarg-Barton Co.	951,159.60	997,359.60
P. J. Carlin Const. Co.....	1,009,474.70	1,056,024.70
Rosenthal Engr. Const. Co.....	1,018,778.80	1,085,678.80
John T. Brady & Co.....	1,152,119.33	1,177,959.33

The Chief Engineer of this Commission in a communication dated September 11, 1923 has reported that the bid of D. C. Serber, the low bidder, upon the basis of concrete construction is reasonable and that the said D. C. Serber is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid of D. C. Serber upon the alternative basis of concrete construction and awarded said proposed contract to the said D. C. Serber upon such basis, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract upon the basis of such concrete construction, to wit, the sum of nine hundred forty-eight thousand seven hundred seventy-three dollars and ten cents (\$948,773.10); and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of securing the amount necessary to meet the City's obligations under said proposed contract upon such basis, to wit, the sum of nine hundred forty-eight thousand seven hundred seventy-three dollars and ten cents (\$948,773.10). Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the Contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1252—R. T. 7684

Agreement "CO"—Report by Chief Engineer as to Receipt of Bids for Miscellaneous Drainage and Sewer Construction in Boroughs of Manhattan, Brooklyn and Queens and Recommendation for Award of Contract to Frank Persicano at Bid Price of \$16,579—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$17,700

The following report was approved:

September 11, 1923.

To the TRANSIT COMMISSION:

Award of Contract, Agreement "CO" to Frank Persicano.

On September 10th, the following bids were received under Agreement "CO." Miscellaneous Drainage & Sewer Construction in the Boroughs of Manhattan, Brooklyn and Queens:

Name	Amount
Frank Persicano	\$16,579.00
John Riches	17,170.00
Sunswick Const. Co.	22,390.00

On August 10th, bids were received for this work, but were all rejected by the Commission in accordance with my recommendation of August 20th because the bids were considered too high. At that time Frank Persicano was also the lowest bidder, his bid then amounted to \$20,570. In my letter I stated that after a careful estimate we found that we could not justify more than \$16,600 under this contract. In the present bidding Frank Persicano is again the lowest bidder and his bid in accordance with the above is very close to our estimate.

In my interview with his representative, he states that the reduction in his present bid is due to modification and improvement in his plan for doing the work as well as due to the fact that prices for labor and material are getting a little easier.

Mr. Persicano has not previously done any work for the Commission but he has done considerable work for the Borough President's Office in Brooklyn and Mr. Philip P. Farley, Consulting Engineer to the Borough President, states that his work has been satisfactory.

The financial statement of Frank Persicano was filed with the Commission some weeks ago at the time of his previous bid and the statement of his representative now is that his financial standing is about the same or a little better than at that time. I find the prices of the lowest bidder reasonable under present conditions.

Copy of minutes of a conference held in my office today with the representative of the lowest bidder is transmitted herewith.

In addition to the itemized prizes given in the bids, there will be some additional money needed for work to be paid for at cost plus a percentage, such as work in connection with converting a cesspool where a sewer is to be substituted for the same and for minor repairs to sewers and other work which cannot be accurately estimated at the present time; but about \$1,100, it is considered, will cover the cost of such work. Therefore an appropriation of \$17,700 should be requested from the Board of Estimate and Apportionment.

Recommendation: From an engineering standpoint I recommend that the contract for work under Agreement "CO," Miscellaneous Drainage & Sewer Construction in the Boroughs of Manhattan, Brooklyn and Queens, be awarded to the lowest bidder, Frank Persicano, at his bid figure of \$16,579 and that a requisition be made on the Board of Estimate and Apportionment for the appropriation of \$17,700, \$16,960 to be charged to Contract No. 3 and \$740 to be charged to Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, Pursuant to the resolution adopted by this Commission on August 20, 1923, bids theretofore received for the performance of the work pursuant to the proposed contract (Agreement "CO") for miscellaneous drainage and sewer construction

in the Boroughs of Manhattan, Brooklyn and Queens, City of New York, were, in view of the report of the Chief Engineer of this Commission dated August 20, 1923, in all respects rejected and the invitation to contractors forming part of said proposed contract was directed to be readvertised; and

Whereas, Pursuant to such readvertisement duly made bids respectively totalling as follows were received on September 10, 1923:

	Amount
Frank Persicano	\$16,579
John Riches	17,170
Sunswick Const. Co.	22,390

; and

Whereas, The Chief Engineer of this Commission by communication dated September 11, 1923, has reported that the amount of the low bid is reasonable and that the said low bidder Frank Persicano is financially capable and competent to perform the work under said proposed contract and has recommended that award of said proposed contract to him, and to make a requisition upon the Board of Estimate and Apportionment for the sum of seventeen thousand seven hundred dollars (\$17,700), the amount estimated to be necessary to carry out said proposed contract.

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Frank Persicano as aforesaid be and the same hereby is accepted and the said proposed contract (Agreement "CO") for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, City of New York, be and the same hereby is awarded to said Frank Persicano, subject to its being approved and consented to in form and substance as required by law, and that said proposed contract together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of seventeen thousand seven hundred dollars (\$17,700) estimated to be necessary to meet the City's obligations under said proposed contract be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

September 12, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission pursuant to the authority vested in it by Chapter 134 Laws of 1921, transmits herewith for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York acting by the Transit Commission, and Frank Persicano, for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, City of New York (Agreement "CO"), in Municipal Rapid Transit Railroads; together with a requisition upon your Honorable Board for the appropriation of the sum of seventeen thousand seven hundred dollars (\$17,700), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on September 10, 1923, respectively totalling as follows:

	Amount
Frank Persicano	\$16,579
John Riches	17,170
Sunswick Const. Co.	22,390

The Chief Engineer of this Commission in a communication dated September 11, 1923, reports that the bid of Frank Persicano, the low bidder, is reasonable and that said Frank Persicano is competent and financially capable of carrying out the provisions

of said proposed contract and the Transit Commission has accepted said bid and awarded the said proposed contract to the said Frank Persicano subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herein transmitted and prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of seventeen thousand seven hundred dollars (\$17,700), the additional sum being requested for the reason that in addition to the itemized prices given in the bid there may be some additional money needed for work to be paid for at cost plus a percentage, as the work in connection with converting a cess pool where a sewer is to be substituted and for minor repairs to sewers and other work which cannot be accurately estimated at the present time, for which it is estimated eleven hundred dollars (\$1100) will be sufficient; and also to direct the Comptroller of The City of New York to issue the bonds of said City at such rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary amount for the City's obligations under said contract, to wit, the sum of Seventeen thousand seven hundred dollars (\$17,700).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount estimated to pay the expense to the city of carrying out said contract. This request to the extent of sixteen thousand nine hundred and sixty dollars (\$16,960), is a requisition in addition to the requisition heretofore made for the purpose of carrying out the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, and said requisition to the extent of seven hundred and forty dollars (\$740) is a subrequisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1253—R. T. 7592

Route No. 11-B, Section No. 3—Resolution Directing Bids be Readvertised for Construction of Fourth Avenue Subway Extension from 86th Street to 95th Street—Adopted

The following resolution was adopted, Chairman McAneny, not voting:

Whereas, Heretofore on December 6, 1922, this Commission approved the invitation to contractors, information for contractors and forms of contract bond and contractors proposal, together with the specifications and contract drawings for the construction of a part of a rapid transit railroad, Route No. 11-B, Section No. 3 (4th Avenue, Brooklyn), and pursuant to advertisement duly made, received bids therefor on December 22, 1922; and

Whereas, By resolution adopted December 27, 1922, this Commission in said resolution more particularly set forth awarded said proposed contract to the low bidder T. A. Gillespie Company subject to its being approved and consented to in form and substance as required by law, and transmitted said proposed contract together with a requisition for the appropriation of the sum estimated to be necessary to carry it out to the Board of Estimate and Apportionment of the City of New York on December 27, 1922; and

Whereas, Pursuant to the provisions of law pertaining thereto said T. A. Gillespie Company, by communication dated March 5, 1923, withdrew its said bid and this Commission by communication dated March 6, 1923, notified the said Board of Estimate and Apportionment of such fact which Board by action taken at its meeting on March 16, 1923 returned said proposed contract and requisition to this Commission; and

Whereas, This Commission is of the opinion that the said rapid transit railroad as described in said contract aforesaid, being the extension of the Fourth Avenue Subway in the Borough of Brooklyn from 87th Street to 95th Street, should be constructed and that said proposed contract should be readvertised,

Resolved, That said invitation to contractors, forming part of the said proposed contract approved as aforesaid be published in the City Record every day of publication continuously from including September 15, 1923 to and including October 2, 1923 and

on September 17, 1923 and September 24, 1923 in The Brooklyn Daily Eagle and The Brooklyn Daily Times, daily newspapers published in the City of New York and that such bids as shall be received shall on the 2nd day of October 1923, at 11:30 o'clock in the forenoon or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission or its Secretary at the office of the Transit Commission and read.

1254—R. T. 7645

Agreement "CS"—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Duct Line at 239th Street Yard—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the construction of a railroad duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route 18, Borough of The Bronx (under Contract No. 3).

Resolved, That said Invitation to Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the construction of a railroad duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route 18, Borough of The Bronx (under Contract No. 3) be and hereby are approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication continuously from and including September 14, 1923 to and including September 28, 1923 and on September 17, 1923 and September 24, 1923 in The New York Tribune and The Evening World, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 28th day of September, 1923, at eleven-thirty (11:30) o'clock, A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

1255—R. T. 7635

Agreement "CE"—Application by Contractor for Extension of Time within Which to Complete Changes in Structure at Various Locations to Permit Widening of Certain Streets in Borough of Manhattan—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Benedetto and Saussez, dated August 28, 1923, requesting an extension of time to August 13, 1923, within which to complete work under their contract for changes in subway structure at various locations to permit the widening of certain streets in the Borough of Manhattan—Agreement "CE".

A report was presented from the Chief Engineer, dated September 7, 1923, recommending that the time be extended from July 21, 1923 to and including August 13, 1923.

The following resolution was adopted:

Whereas, The Contract dated March 14, 1923, between The City of New York, acting by the Transit Commission, and Benedetto and Saussez, for making alterations in the Broadway-Fourth Avenue Rapid Transit Railroad structure at various locations to permit widening of streets in the Borough of Manhattan, requires the completion of all work thereunder on or before the expiration of four (4) months from the date of the delivery of said contract, which contract was delivered on March 21, 1923, the last day for completion therefor being July 21, 1923; and

Whereas, By communication dated August 28, 1923, said Benedetto and Saussez made application for an extension of time under said contract to and including August 13, 1923 to complete same predicated upon circumstances as set forth in said communication; and

Whereas, The Chief Engineer of this Commission, by communication dated Sep-

tember 7, 1923, has reported that while the resultant time of all delays to which said contractor may be entitled to extended time cannot be accurately ascertained, it appears, however, that the resultant of the delays is sufficient to account for the delayed time in the completion of the work; that the work was prosecuted with diligence; that its several parts were completed at times which were in advance of the work of street widening by the Contractor for the City and recommends that the time of the contractor be extended to and including August 13, 1923.

Resolved, That the time of Benedetto and Saussez within which to complete the work pursuant to the contract as aforesaid be and the same hereby is extended to and including August 13, 1923, provided, however, that this extension of time shall not take effect unless and until it shall be consented to in writing by the sureties upon the bond deposited as security for the faithful performance of said contract.

1256—R. T. 7367

Routes Nos. 35 & 67—Letter from Counsel Submitting Proposed Agreement for Modification of Ventilator Chamber in Front of Premises at Nos. 102-106 West 41st Street, Borough of Manhattan—Approval Resolution

A letter was presented from Counsel dated September 7, 1923, submitting a proposed agreement with The Buckley-Newhall Company for the modification of the construction of a ventilator chamber in front of the premises at Nos. 102-106 West 41st Street, Borough of Manhattan.

The following resolution was adopted:

Whereas, Counsel, with his letter dated September 7, 1923, has submitted to this Commission a proposed agreement between The Buckley-Newhall Company and The City of New York, acting by the Transit Commission, for the modification of construction of a ventilator chamber located in front of the premises Nos. 102-106 West Forty-first Street, in the Borough of Manhattan, and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This proposed agreement has been approved by the Chief Engineer,
Resolved, That said proposed agreement in the form submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they are hereby authorized to execute the same.

1257

Rapid Transit Routes—Report by Consulting Engineer Turner as to Proposed Manhattan-Brooklyn-Central Queens Parkway Rapid Transit Lines—Motion Directing Secretary to Publish Same

The Committee of the Whole reported out the following report by Consulting Engineer, Daniel L. Turner, and upon motion by Commissioner Harkness the Secretary was authorized to publish same.

PROPOSED MANHATTAN-BROOKLYN-CENTRAL QUEENS PARKWAY RAPID TRANSIT LINE.

To the TRANSIT COMMISSION:

Herewith is a report with respect to a proposed Parkway Rapid Transit Line to serve the Borough of Queens.

Queens contains 36% of the land area of the city, it has only about 8% of the population, and it is served by only about 8% of the total rapid transit route mileage of the City. Of the 108 sq. miles of land area in the Borough, 64 square miles or 59% is dependent for transit entirely upon the Long Island R. R. and surface lines; only 17 square miles, or 16%, is served by rapid transit facilities, and 27 square miles, or 25% of the total area of the Borough, has no transit facilities of any kind whatever.

The percentages of population and rapid transit route mileage are almost identical. The population follows transit; therefore Queens needs more rapid transit facilities in order to develop a larger population.

As the next step in its transit program Queens needs most and first, rapid transit facilities for that 27 square miles, or 25% of the Borough that now has no transit at all. This is the area about 4 miles wide between and paralleling the Corona Elevated Branch and the Jamaica Avenue Elevated Line, shown on Dwg. 170, File 51. It is proposed that the Parkway Line traverse this undeveloped area.

It has been suggested that a line be constructed between Jamaica and Manhattan. Jamaica already has important electric railroad facilities operated by the Long Island R. R. and has rapid transit facilities too. It would be a mistake to build more facilities for Jamaica when there is such a large area of Queens with no transit facilities of any kind. The effect of such a policy would be to still further concentrate the population, not diffuse it.

The proposed Manhattan-Brooklyn-Central Queens Parkway Rapid Transit Line is indicated on Dwg. 169, File 51. The plan shows the general location of the line and the several types of construction contemplated.

There will be 4.37 route miles of Subway, 1.1 miles of tunnel, 1.65 miles of elevated, and 9.88 miles of parkway line, or all together, 17 miles of routes.

The proposed route in detail is as follows: From 9th Avenue and 23d Street in Manhattan, via 23d Street, under East River, via Greenpoint Avenue, Jewell Street, private property, Winthrop Park, Driggs Avenue, private property, Vandervoort Avenue, private property, Metropolitan Avenue, private property between Penelope and Lowell Avenues to Woodhaven Avenue, private property to a point at or near Pilgrim Street, private property near or along Pilgrim Street, 69th Street, Jewell Avenue, and what is now known as Black Stump Road. From Metropolitan Avenue to the city limits the line runs through private property or through the new park that it is proposed to develop, for a distance of about 10 miles; this constitutes the Parkway Line.

Public parks in most cases, are not now ideally located. Why should one have to pay car fare and ride to get to some park in order to reach a playground or to obtain a breath of fresh air?—and have to wait for a holiday to afford the time to do this? Instead of scattered about in more or less inaccessible places, why not have our parks and playgrounds at our front doors, so that the children will not have to wait for holidays, but can play and breathe the fresh air every day. Parks should be within convenient walking distances of every home. So should rapid transit lines. Why not provide parks and transit as one project—thereby at the same time providing the home with a playground and breathing spaces and the transit facilities necessary for getting to and from work. Particularly this should be done when both parks and transit can be gotten practically for what we now pay for the one, and simply by the exercise of a little foresight. This the Parkway Line is designed to accomplish.

The proposed Parkway Line will cost for

Construction	\$49,200,000
Including Administration, Superintendence and Interest...	61,500,000
and, with Equipment	99,000,000

Built as a subway the same line would cost about \$120,000,000.

The advantages of such a Parkway Line are:

1. It will directly connect with each other a residential territory capable of giving, under a high standard of housing, homes to half a million people, the Manhattan Community Center, the Greenpoint Community Center, the Newtown Creek Industrial and Shipping Zone, and a recreation area partly within and partly outside the limits of the city.
2. It will by one transfer, via the proposed Brooklyn Crosstown Line, give its passengers access to the parts of Brooklyn and Queens traversed by the latter line, and by another transfer, to almost any other part of Brooklyn, Queens or Manhattan.
3. If the Brooklyn Crosstown Line is later extended via the Astoria Branch and across 125th Street in Manhattan, and if the Manhattan-Bronx-Queens Crosstown Line included in the Comprehensive Plan (also proposed to be constructed as a parkway line) is built, it will in the same manner give its passengers access to upper Manhattan, the Bronx and the Jamaica Bay area.
4. It will give to the Borough of Queens not only a rapid transit line, but also a park 9 to 10 miles long, with a park area of about 450 acres, immediately accessible to a population directly served by a rapid transit line, and at a relative construction cost of only 29 per cent more than an elevated line and 61 per cent less than a subway line.
5. It will give to the city 17 route miles and 50 single-track miles of rapid

transit lines at a lower cost than would be possible for any other line of equal utility in any part of the city.

6. It will bring the outlying section of Queens, now undeveloped, within about three-quarters of an hour or less of central Manhattan, and Central Queens within a half hour of central Manhattan.

7. It will, particularly if the territory it will open for home building can be subjected to some sort of regulation that will keep the apartment density within desirable limits, accomplish that for which rapid transit lines in the outlying districts have been built, but which they so far have accomplished only imperfectly—diffuse the population and eliminate congestion. Or, if the character of the housing cannot be controlled, and a dense apartment house development develops, the evil effects of such housing would be minimized by the park immediately accessible for the use of the population.

8. Finally, the Parkway Line provides both transit and parks in an ideal manner and at a minimum joint cost.

RECOMMENDATION: I recommend that the next step in providing transit facilities for Queens, after the present plans have been effected, should be the construction of the proposed Parkway Line.

A discussion of the project in detail follows:

Area and Population of the Borough of Queens.

The total area of the Borough of Queens is about 117 square miles. This is approximately 37% of the total area of the City. It is over five times the area of the Borough of Manhattan, one and one-half times the area of Brooklyn, nearly three times the area of the Bronx, and over twice the area of Richmond. A considerable portion of Queens Borough is under water. The land area is about 108 square miles, or about 36% of the total land area of the City.

In 1900 Queens Borough had a population of about 153,000. In 1910 this number had increased nearly 86 per cent.—or had increased to a population of about 284,000. In the 1920 census the borough again showed a very large growth. In this last decade the population increase was about 65 per cent. During the period from 1900 to 1920 the total increase was nearly 207%. In other words, during the last twenty years the Queens Borough population has more than trebled, until in 1920 it had a population of 469,042. This was a little over 8 per cent. of the population of the entire city. The population density per acre was 6.79 as compared with 162.6 per acre for Manhattan, 44.4 for Brooklyn, 27.6 for the Bronx and 3.2 for Richmond.

Trackage and Traffic.

There are approximately 217 miles of single track surface line trackage in Queens. The total surface car trackage maintained in the entire city is 1,169 miles, so that the Queens trackage amounts to approximately 19% of the total. There are about 17 miles of rapid transit route traversing the Borough of Queens. This is about 8.0 per cent. of the total rapid transit route mileage in the city. The rapid transit trackage serving the borough amounts to approximately 44 single track miles, which is about 7 per cent. of the 619 miles of rapid transit trackage serving the entire city.

For the fiscal year ended June 30, 1922, the Queens surface lines, exclusive of the B. R. T. companies, carried approximately 59,000,000 revenue passengers. It is impossible to separate out accurately the passengers carried on the B. R. T. Lines, but an approximate estimate has been made which gives a figure of about 28,000,000 carried on the lines in Queens, making a total of 87,000,000 revenue surface line passengers carried in the Borough. The total surface car traffic in the entire city during the same fiscal year was approximately 1,053,000,000 revenue passengers. The Queens surface car traffic therefore amounted to a little over 8 per cent. of the surface car traffic in the entire city. The rapid transit traffic on the Queens Branches, operated by the Interborough Company and at the Plaza Station by the N. Y. Municipal, amounted to 32,000,000 revenue passengers during the year. The traffic carried on the N. Y. M. lines amounted to 26,000,000 passengers, or a total for the year of 58,000,000 revenue passengers. The total rapid transit traffic in the entire city during the year was 1,438,000,000 passengers. The Queensboro rapid transit traffic therefore amounted to a little over 4 per cent. of the entire rapid transit traffic.

Summarizing these figures, it appears that the Borough of Queens

- Contains 36% of the land area of the City.
- Has over 8% of the population.
- Has nearly 19% of the surface car trackage.
- Has about 8% of the rapid transit route mileage.
- Has over 7% of the rapid transit trackage.
- Carries over 8% of the total surface car traffic, and
- Carries over 4% of the total rapid transit traffic.

It appears from these figures that the percentage of population and percentage of rapid transit route mileage is almost identical. Since the population follows transportation, what Queens needs to secure a larger population is more rapid transit routes.

Transportation Facilities Serving Queens.

In order to indicate how Queens Borough is now served by the various kinds of transportation facilities, a map has been prepared, indicating the different kinds of facilities traversing the Borough, including the L. I. R. R. and the rapid transit lines and the surface lines.

Assuming that the L. I. R. R. will serve all areas within a radius of 1 mile of the stations on its lines, that rapid transit lines will conveniently serve a strip of territory $\frac{1}{2}$ mile on each side of the line, and that surface lines will conveniently serve a strip of territory $\frac{1}{4}$ mile on each side of the line, the area served by the several types of facilities have been indicated by cross hatching on the map. A print of this map, Drawing No. 170, File 51, is transmitted herewith. It shows very plainly the manner in which the various transportation facilities serve the borough and overlap each other.

The following table indicates the area and the percentages served by the several facilities:

Facility	Area Served (sq. miles)	Approximate Percentages
Long Island Railroad.....	72	66
Rapid Transit Lines.....	17	16
Surface lines	43	40
Total area served by all facilities, including overlapping area		
	132	122
Area not served by any facilities.....	27	25
Total area unserved and area served, including the overlapping area		
	159	147
Area overlapped by various facilities.....	51	47
Subtracting, we have—		
Total Area of the Borough.....	108 sq. miles	100%

There has not been included in the surface line figures above, 4 miles of area, formerly served by surface lines, that are now abandoned.

The facilities that serve the borough can be set out in another way, as indicated in the following table:

	Square Miles	Approximate Percentages
Area not served by any facilities.....	27	25
Long Island Railroad only.....	35	32
Rapid Transit Lines only.....	1	1
Surface lines only.....	6	6
Total area served by 1 facility.....		
	42	39
Long Island Railroad and surface lines.....	23	21
Long Island Railroad and Rapid Transit lines.....	2	2
Rapid Transit lines and surface lines.....	2	2
Total area served by 2 facilities.....		
	27	25
By Long Island Railroad, Rapid Transit and surface lines all together	12	11
Total	108 sq. miles	100%

From the foregoing figures it appears that 64 square miles, or 59% of the total area of the Borough is entirely dependent for transportation on the Long Island Railroad and surface lines separately or together, and only 17 square miles or 16% of the area of the Borough is served by rapid transit lines. In other words, only 17 square miles out of 108 square miles in the Borough of Queens is conveniently served by rapid transit facilities.

There are 69 Long Island Railroad stations on the lines traversing the Borough and 41 rapid transit stations.

Twenty-seven square miles or 25% of the entire area of the Borough is not conveniently accessible to any kind of transit facility. An inspection of the map shows that this inaccessible area is largely that territory between the Corona Elevated Line and Long Island Railroad on the north, and the Jamaica Avenue Elevated Line on the south and east of Queens Boulevard, which has practically no service at all except that provided by these rapid transit lines and the Long Island Railroad. It is centrally through this area that the first new rapid transit line for Queens should be constructed.

Additional Rapid Transit Facilities Necessary for Queens.

From the foregoing it is obvious that in its next rapid transit building program the City should provide additional rapid transit facilities for Queens Borough. The questions are, where should these facilities be located and how should they be provided?

A large part of the Borough of Queens is wholly undeveloped and in most of this undeveloped area, although a street system has been laid out on the maps, the streets have not been located on the ground, so that the greatest freedom exists for developing the best possible type of rapid transit line. For this reason, in 1920 I began to study the open cut type of construction, or some modification of it, for use in these outlying sections of the City. Some of the results of these studies are indicated on two drawings which I had Mr. Weindorf prepare in 1921, illustrating the possibilities of open cut lines and depressed and elevated lines along private rights-of-way. Photographs of the two drawings which I had made illustrating these studies, are attached hereto. Generally, the idea there developed, was to acquire a strip of territory of a width depending upon how many tracks there were to be on the line, and utilize the central portion of it for the railroad, and on either side of the railroad, provide for narrow parking and planting spaces, then a roadway, and then sidewalks. Vehicular crossings over or under the line were only to be provided at about every $\frac{1}{3}$ or $\frac{1}{2}$ mile, or about at every station point. At the intermediate street crossings which would intersect the roadways on either side of the right of way, pedestrian bridges or tunnels could be provided, but not for vehicles. At the vehicular crossings at the station points, the streets would be carried over or under the right of way, depending upon the topographic conditions. On the remainder of the line the tracks could be constructed at grade, on an elevated structure or in cut, just as the topographic conditions made most desirable, the idea being to make the construction as cheap as possible. This was the simplest form which the development of this kind of a line took. I designated it as a "Parkway Line." The parkway I first had in mind was the simple planting space on either side of the right of way shown in these photographs.

A little later, early in 1921, the idea was conceived of developing what was actually a parkway line; not a parkway line in name only. This conception of such a line contemplated acquiring a strip of territory approximately 500 feet wide through the undeveloped section of the city and in the center of this strip, build the rapid transit railroad at grade, in cut or on an elevated structure as the conditions required, and providing for vehicular overhead or under crossings about every $\frac{1}{3}$ or $\frac{1}{2}$ mile, just as before, but instead of having only a narrow strip of parkway either side of the railroad, to provide a strip that would be capable of satisfactory park treatment, and that would constitute a real park or playground for the home developments which would grow up along the rapid transit line. With a 500-foot strip, probably 100 feet or a little over would be needed for the roadways and sidewalks on both sides. This would leave approximately 400 feet for the rapid transit line and the parkway treatment. Therefore, it would be practicable to get about 175 feet of parkway at each side of the railroad right of way, or a strip nearly as wide as one of our up and downtown blocks. Such a type of rapid transit line would accomplish two things. It would provide the best method of municipal transportation out into and through an area capable of intensive home development; and it would also furnish a parkway directly in front of the doors of these homes, following the line of this rapid transit route.

In other words, the parkways through the part of the city developed in this manner would not be isolated areas grouped about the City in spots, and requiring the people to take transit facilities to get to them, but the parkways and the rapid transit lines would follow along together and be brought directly to the doors of the people. The people would not be required to utilize their transit facilities to reach their parkways. It has seemed to me that this idea of furnishing park areas for the public has many advantages over the method generally in vogue of providing isolated park areas. If one of these parkway rapid transit lines were located about every mile through an undeveloped territory, and the ordinary street system developed in the spaces between them, the area thus developed would be furnished with about the correct proportion of parkway space, or approximately 10% of the area traversed by such line would be in parks. I subsequently talked this plan over with Mr. Charles D. Lay, formerly Landscape Architect for the Department of Parks, Manhattan, who seemed to think very favorably of it and made some sketches and studies of the possibilities of such a line. The outlying area of Queens, is peculiarly adapted to this type of rapid transit development.

The Advantages of a Parkway Line.

Elevated lines have many disadvantages. They obstruct the streets and are a monstrous eyesore. They cut off light and air from the abutting property and from the streets. They are open to the weather. They are noisy and they are generally a nuisance. A parkway line would have none of these disadvantages except that it would be open to the weather, which is not serious. On the other hand, from the passenger standpoint, an elevated line is superior to a subway line. The passenger travels in the light and in the open air. The stations are just as accessible as in the subway. A parkway line has all of these advantages that an elevated line has from the passenger's standpoint.

Subways have many advantages. They do not disfigure the streets. They do not interfere with the light, air and access of abutting property. They are not open to the weather. They are conveniently accessible to passengers by means of stairways. For all of these reasons, subways are most popular. All of these advantages a parkway line has, except that it is open to the weather. The chief disadvantage of a subway is from the standpoint of the passengers, who do not ride out in the open and therefore must be provided with artificial light and artificial ventilation. A parkway line does not have these disadvantages.

Therefore a parkway line has all of the advantages of both elevated and subway lines, and practically none of the disadvantages of either, and besides, it has another advantage not possessed by either an elevated line or a subway line. In addition to providing the population with rapid transit, a parkway line also provides the same population with a park, just as conveniently accessible to them as the rapid transit line itself is accessible. In other words, a playground and breathing space for the children is provided at the front door of the homes. This great advantage can be obtained for the people, as will subsequently appear, at a very little additional cost over an elevated line, and at a very much less cost than a subway line through the same territory.

Express Automobile Highway.

Another advantage of the Parkway Line is that it permits an express automobile highway to be developed at the same time at very little additional expense relatively.

Motor vehicle traffic is increasing at an enormous rate. From 1917 to 1922 the total number of motor vehicles of all kinds registered in New York City increased from about 125,000 to 301,000. This was an increase of nearly 141 per cent in 5 years. The average rate of increase during these five years has been about 19 per cent per year. If the same rate obtains for the next 5 years in 1927 there will be over 700,000 motor vehicles using the New York City streets. If there is congestion now, what will the congestion be 5 years from now with more than double the number of motor vehicles using the streets? It is only a question of a short time when heavy traffic motor highways crossing each other will have to have their grades separated, just as the grades of railroads and highways are now separated, and just as it is proposed to separate the grades of the Parkway Line where it crosses the transverse highways.

A Parkway Rapid Transit Line is admirably adapted to such an express automobile highway. Under the plan it is proposed that a 20 foot roadway be located on each side of and immediately adjoining the Parkway Line right-of-way, and running along

the inside edge of the parkway strip. In this location, when the transverse highway is carried under or over the Parkway Line, it can also at the same time be carried under or over the express highway paralleling the Parkway Line. In this way the grades of both will be separated from the transverse highway. A local traffic highway paralleling the Parkway Line will be provided along the outside edge of the parkway space, adjacent to the building line.

Such express highways are shown on the drawings accompanying the report.

Comprehensive Rapid Transit Development for Queens.

In my Comprehensive Report, dated July 29, 1920, I indicated an approximate routing for a comprehensive rapid transit development for Queens Borough. This proposed layout of lines is shown on Plan 168, File 51, print of which is transmitted herewith. The lines are those indicated by fine dash lines on the plan. The fine full lines on the same plan indicate the existing facilities. From a study of this map it seems apparent that the most economical way of developing a comprehensive system for Queens, which would provide rapid transit lines conveniently accessible to the whole borough area with a minimum duplication of facilities, was by a system of lines approximately paralleling the north, or Long Island Sound shore of Queens, or also paralleling the existing Corona branch constructed under Contract No. 3, and the existing Jamaica Avenue Line constructed under Contract 4 Certificate. I believe this way of locating the lines through Queens should be adhered to. That is, future lines traversing Queens should be laid out in a generally northeast and southwest direction paralleling these two existing transit lines which I have already referred to. Of course intersecting these approximately radial lines, crosstown lines, or northwesterly and southeasterly lines will also have to be provided to articulate the system together.

I believe it would be a mistake to develop lines with the sole idea of connecting already populated points in Queens, with Manhattan, without any regard to the development of such a comprehensive plan. The effect of such lines would but intensify the growth of already developed areas at the expense of the undeveloped land available. This would still further concentrate the population, not diffuse it. It would also mean a waste of facilities, for the simple reason that such lines located in response to the urge for immediate relief, would as likely as not cross in an undesirable manner, the routes of lines that would ultimately have to be built, in order that all of the borough might be properly served. This would result in an excess of facilities, and a waste of the public money. This is the condition that already obtains in Brooklyn to a certain extent, because, the lines originally provided were not laid down in conformity to any ultimate plan, but were merely built to satisfy the immediate demands without any regard to what the future might develop.

Following out this reasoning, a line directly connecting Jamaica with Manhattan should not be built. Jamaica is already served by the Long Island R. R. It is also served by the Jamaica Avenue Elevated Line. More transit facilities immediately serving Jamaica would not better conditions. They would only increase congestion. Just as we desire to diffuse the population, so we should diffuse the transit facilities.

Consequently, the new facilities that are furnished for Queens should traverse undeveloped areas and should conform to a general plan. The new parkway line now proposed does this.

Manhattan, Brooklyn, Central Queens Parkway Rapid Transit Line.

This line is indicated on Drawing No. 169, File 51, print of which is transmitted herewith. In general, it crosses Manhattan through 23rd Street, then traverses the Greenpoint Section of Brooklyn and Metropolitan Avenue for a short distance, and then traverses the open country as a parkway line about half the way between the Corona Line and the Jamaica Avenue Line, thereby opening up and developing a strip of territory about 4 miles wide between these lines referred to, and which is now not served by any transit facilities. In detail the route proposed is as follows: From 9th Avenue and 23rd Street, Manhattan, 23rd Street to East River, under East River to Greenpoint Avenue, Greenpoint Avenue to Jewell Street, Jewell Street to Nassau Avenue, across private property and Winthrop Park to Driggs Avenue, Driggs Avenue and private property to Vandervoort Avenue, Vandervoort Avenue and private property to Metropolitan Avenue, Metropolitan Avenue to Juniper Avenue, private property between Penelope and Lowell Avenues to Woodhaven Avenue, private property to a point north

of Queens Boulevard at or near Pilgrim Street. From this point the line will run to the city limits near or along Pilgrim Street, 69th Street, Jewel Avenue and what is now known as Black Stump Road.

The line is approximately 17 miles long. Twelve miles of it is located in Queens, mostly through entirely undeveloped or only partly developed territory. Two and a half miles is located in the Greenpoint Section of Brooklyn, one mile is river crossing, and 1½ miles is in Manhattan.

Starting at the outer end of the line in Queens, it will begin as a 2-track line, collecting and distributing traffic throughout the area traversed. This 2-track section will extend for about 7 miles to about Seminole Avenue on the edge of the Flushing River Valley. From this point the line will be a 4-track line, to where the line intersects the proposed Brooklyn Crosstown Line at Greenpoint and Manhattan Avenues. This 4-track portion will be 7 miles long at the outset. But later it may be desirable to extend the 4-track section out to within about four miles of the end of the route. From Manhattan Avenue, under the East River, and Manhattan, the line will consist of 2 single track tubes. In view of the fact that it will be a 4-track line down to the river crossing, and in view of the fact that the capacity of the 2 single-track river tunnels because of the long run without stops is somewhat greater than the capacity of a 2-track line with station stops, it is desirable to construct the line in Manhattan in part, if not entirely, as a 3-track line, in order to utilize the full capacity of the 2 single-track tubes under the river to develop as much of the capacity as possible of the 4-track section traversing Greenpoint and Queens. At some later date it may be desirable to provide additional tube crossings and additional distributing lines in Manhattan to utilize the remaining capacity of the 4-track system east of the river crossing.

About 4.25 miles, from 9th Avenue in Manhattan to Vandervoort Avenue and Richardson Street in Brooklyn, will be subway and under river tunnel. The next 1.50 miles, to a point about 1,000 feet east of Flushing Avenue, within which the line crosses English Kills and Newtown Creek, most of which has an elevation of only 6 to 12 feet above M. H. W., and which is, or will be a purely industrial and shipping district, is proposed to be constructed as a 4-track elevated line. For the remainder of the route on Metropolitan Avenue, about 1.3 miles, subway construction would be used.

Of the remaining 10 miles, nearly all is admirably adapted to a parkway line built in the manner already described. This whole region has an undulating surface, varying in elevation from a few feet above M. H. W. across Flushing and Little Neck Bays, to as high as 200 feet. In the deeper valleys, such as the one at the head of Flushing Bay, an elevated structure would be preferable, but outside of this, the open cut and embankment method of construction would undoubtedly be both most economical and most desirable from other points of view.

Cost of the Proposed Parkway Line.

The subway, tunnel and elevated portions of the line will be similar to the types of construction in vogue on our existing rapid transit lines. No special comments are necessary with respect to the costs of these portions of the lines, except to say that the approximate costs hereinafter set forth have been arrived at after a careful general study of the conditions. None of the costs, however, are based on detailed plans, and therefore, they are only approximate.

From Juniper Avenue, where open cut construction is to begin, to Woodhaven Avenue is a length of 1.2 miles. The blocks between Penelope and Lowell Avenues, in the center of which the line would be located, are 600 ft. wide. This entire strip should be transformed into a park. The total area between the four avenues is assessed at about \$230,000 for the land, and \$380,000 for land including improvements. The latter figure is about \$62 per lin. foot of road. This area could probably be acquired by condemnation for \$125 to \$150 per lin. foot of road, including all costs. If by the time the City is ready to acquire this property the improvement of the land has progressed to a point where it would seem undesirable to turn the entire area into a parkway, a strip in the center wide enough for 4 tracks and retaining walls, with driveways and footwalks on each side would be taken instead of the entire width of the block. This would reduce the cost of the land to \$25 or \$30 per lin. foot, but if possible, the whole full width required for complete parkway line should be taken.

Between Woodhaven Avenue and Queens Boulevard the line would pass under the Long Island Main Line and Glendale Cut-off tracks. A part of this section, from Woodhaven Avenue to east of Queens Boulevard, a distance of .9 miles, would therefore

have to be built as a subway, while the remainder could be either subway or open cut. The average cost of property required for this part of the line would probably be about the same as in the previous section.

From Queens Boulevard to the city limits the line has a length of nearly 8 miles. Most of the land throughout the entire distance is assessed at 5 cents or less per sq. ft. It is probable that a strip of land 500 ft. wide, from Queens Boulevard to the City Line, could be acquired by condemnation proceedings, at a cost, everything included, not exceeding 18 cents per sq. ft., equal to \$90 per lin. foot, or a total of \$3,700,000. But only 400 feet of this strip would be needed for the Parkway Line. The remaining 100 feet would be required for street purposes. The 400 foot strip could be acquired for about \$72 per lin. foot—or for a total of about \$3,000,000. These real estate costs have been arrived at after discussing the matter with Mr. Schermerhorn.

Utilizing the above figures, a rough estimate of the cost of the line is as follows:

1.	23rd Street from 9th Avenue to Avenue A, 3-track subway, 1.55 miles @ \$6,000,000	\$9,300,000
2.	Avenue A, to Franklin Avenue and Greenpoint Avenue—2 single-track river tunnels—1.1 miles @ \$7,500,000.....	8,250,000
3.	Franklin and Greenpoint Avenues to Vandervoort Avenue and Richardson Street—4-track subway—1.53 miles @ \$5,000,000.....	7,650,000
4.	Vandervoort Avenue and Richardson Street to Arnold Street and Metropolitan Avenue—4-track elevated R. R.—1.65 miles @ \$1,100,000	1,815,000
5.	Arnold Street and Metropolitan Avenue to Juniper Avenue—4-track subway—1.29 miles @ \$5,000,000.....	6,450,000
6.	Juniper Avenue—Woodhaven Avenue between Penelope and Lowell Avenues—4 tracks—open cut—1.19 miles @ \$900,000.....	1,071,000
7.	Woodhaven Avenue to east of Queens Boulevard at about Pilgrim Street crossing under the L. I. R. R. at some point east of the junction between the main line and the Glendale Cut-off—90 miles @ \$4,500,000	4,050,000
8.	Along or near Pilgrim Street from Queens Boulevard to Seminole Avenue—4-track subway approach—elevated and open cut—.52 miles @ \$1,200,000.....	624,000
9.	From Seminole Avenue and Occident Street to city line along or near 69th Street, Jewell Avenue, Black Stump Road and other streets to city line, 2-track line built either in open cut or on embankment—or as elevated railroad as best suited to topographical conditions—7.27 miles @ \$500,000.....	3,635,000
	Total for construction.....	\$42,845,000
	Say	43,000,000
10.	Real estate for parkway from Juniper Avenue to city limits, about 10 miles, say.....	4,200,000
11.	Real estate would also be required mostly in Brooklyn, where line turns from one street into another, for street widenings, and for approaches where line changes from subway to elevated, which will probably not exceed.....	2,000,000
	Total, including Real Estate.....	\$49,200,000

The Board of Estimate has the right to assess in part or in whole the cost of such a public improvement as a parkway on the property benefited. Since both the parkway and the rapid transit line would result in a very great enhancement of property values in the vicinity, it would seem entirely equitable, and should meet with no opposition, to assess the entire cost of acquiring the land as well as of landscaping the parkway, on adjacent property.

If distributed over a width of say 2,000 ft. each side of the parkway, or over an area within a 2,000 ft. or ½ mile radius of each station, and varying in amount conversely with the distance from parkway and stations until it disappears on the outer edge of the influence area, the assessment would in no case be more than a fraction of the enhanced value of each lot or parcel. This would reduce the estimated cost of the line by \$4,200,000, or to a total for construction and real estate of \$45,000,000.

While as a general matter I am in favor of general assessment for a rapid transit

line based upon the enhancement in land values throughout the city, the figures set forth are an indication of how such a local assessment could be carried out. No rapid transit line has yet been built under the assessment plan although the law provides for doing so. But the assessment for a parkway is a common procedure and should meet with no obstacles of any kind, particularly if the parkways are to be of the width and importance that a strip approximately 400 feet wide would permit to be developed, thereby bringing a parkway within $\frac{1}{2}$ mile of everybody living within the area developed in such a manner.

Another reason why it should be relatively easy to carry out such a project is that except for the old roads through the territory east of Queens Boulevard, most of the streets exist only on paper and have not been legalized. In conjunction with the laying out of the line and the parkway and the locating of the stations, opportunities would therefore arise of modifying the street system by the introduction of diagonal thoroughfares, enabling the passengers to reach the stations by short and direct routes. Since the distance along the diagonal is only 0.7 of that along the two sides of the square, it is easily realized that a rational street system with diagonals, and in which the rapid transit line is incorporated as an essential element, has great economic importance, not to mention the aesthetic gain that would result from varying the monotony of the grid-iron system.

Total Cost.

The foregoing figures give only the construction cost of the proposed line; cost of administration, superintendence and interest must be added. Taking these latter items as about 25% of the Construction cost, we get a total cost including Construction, Administration, Superintendence and Interest during Construction of \$61,500,000.

The Equipment of such a line would cost approximately \$37,500,000. This makes a final total for Construction and Equipment, including all the items, of \$99,000,000. Or, this Parkway Line as proposed, is really a hundred million dollar project. But if built as a subway line it would cost \$120,000,000.

Comparative Costs of Subway, Elevated and Parkway Lines.

The proposed Manhattan-Brooklyn-Central Queens Parkway Line was estimated to cost, including construction, track work and real estate, approximately \$49,200,000 (excluding Administration, Superintendence, and Interest). The line consisted of subway, tunnel and a small amount of elevated work, and open cut or parkway work.

For comparative purposes assume that Subdivisions 1 to 4 inclusive remain the same; that is, the line would remain as a subway line through Manhattan, the Green-point Section of Brooklyn, and would traverse the English Kills and Newtown Creek district as an elevated line, but instead of then continuing as a subway and parkway line, assume that it continued as an elevated line to the City line, but with the same number of tracks as indicated in the original line. Such a line would cost approximately, including construction, track work and real estate, \$39,000,000. In other words, by changing the subway and parkway sections beyond the English Kills and Newtown Creek District to an elevated line, approximately \$10,200,000 would be saved. On the other hand, if this same portion of the line were constructed all the way to the end as a subway line, the total estimated cost would be approximately \$65,000,000; or such a line would cost approximately \$15,800,000 more than the proposed parkway line. The latter line would be just like the original line insofar as subdivisions 1 to 4 inclusive are concerned; that is to say, a small elevated stretch of structure would be constructed through the English Kills and Newtown Creek District. All the remainder of the line would be subway or tunnel. These figures show that by the use of parkway construction instead of subway construction throughout, a very large amount of money could be saved—\$15,800,000. If all of the line beyond the English Kills and Newtown Creek District could be constructed as a parkway line, a considerable amount more could be saved, but the partial development of the territory traversed, makes this impossible; so that subway construction has to be substituted for a considerable portion of this distance. This is what makes the line as proposed cost very much more than if the outer portion of it were constructed as an elevated line.

The significant thing in the cost figures is the comparison between the parkway portion of the line built as a subway, elevated or as a parkway line. For example,

take subdivision 9, which consists of 7.27 miles of 2-track line. This portion of the line would cost, approximately

If constructed as an elevated line.....	\$5,100,000
If constructed as a subway line.....	16,700,000
If constructed as a parkway line with full parkway section	6,500,000
If constructed as a parkway line with the minimum amount of parkway.....	4,400,000

These figures show that the full parkway line for this portion of the route is obtained for only \$1,400,000 more than it would cost to provide an elevated line, and at the same time the rapid transit line is being provided, a continuous park would also be provided for the population located contiguous to the line. That is to say, the rapid transit line and the park together, through this part of the route, could be obtained for \$1,400,000 more than an elevated line would cost.

The unit price cost including land, of the different types of line, as 2-track structure, can be taken approximately as follows:

a. For a 2-track subway line.....	\$2,300,000 per mile
b. For a 2-track elevated line.....	700,000 per mile
c. For a parkway line through a 400' wide strip costing \$400,000	900,000 per mile
d. For a parkway line through a 100' wide strip costing \$100,000	600,000 per mile

The subway line would cost 156% more than the full width parkway line and 283% more than the narrow parkway line. Or a full width parkway line would cost 61% less than a subway line and a narrow parkway line 74% less. Whereas an elevated line would cost about 78% of the cost of a full width parkway line and would cost 17% more than a narrow width parkway line. That is to say, a full width parkway line, or the most desirable type of rapid transit line and a continuous park both together, would only cost 29% more than an elevated line. From these figures, the conclusion seems inevitable that through undeveloped country, instead of building elevated lines as we have done in the past, a parkway line should be built, a wide parkway line if possible, but in any event, a narrow parkway line, and that the land necessary for such parkway lines should be obtained in advance and held until the building of the rapid transit line becomes necessary.

Population That Could Be Served.

Assuming that the influence area of a rapid transit line extends for $\frac{1}{2}$ mile on each side of the line, the proposed rapid transit line would give rapid transit to about 12 square miles in Queens. Of this area, $6\frac{1}{2}$ square miles have at present no transit facilities of any kind, $\frac{1}{2}$ square mile is served only by a crosstown surface line, and the remainder, with the exception of a small portion, a part of the so-called Ridgewood section, between the Borough line and Lutheran Cemetery, which comes within the influence area of 2 or 3 stations on the Metropolitan-Myrtle Avenue Line, is served either by the Long Island R. R. only or by some surface line in addition to the railroad.

These 12 square miles had in 1920 less than 40,000 population. About 30,000 to 35,000 lived between the Borough Line and Lutheran Cemetery. Between the Cemetery and Queens Boulevard, 2,000 or 3,000 lived, and probably less than 1,000 in the entire area east of Queens Boulevard.

Given rapid transit, the area east of Queens Boulevard alone, even if restricted to an average population of about 60 per acre gross, which would mean a suburban type of development, with for the most part detached one or two-family dwellings, could house 300,000 people. Assuming for the remaining area to the borough line a denser type of development, resulting in say an average population density of 150 per acre, this area could comfortably house 200,000 people. This would mean an apartment house development, but of a semi-suburban type, houses 4 to 5 stories high, and covering not over 50% of the lot. The area made accessible by these 12 miles of rapid transit in Queens, would therefore, under housing conditions far superior to those of people living in the present rapid transit areas of the Bronx and Brooklyn, give homes to half a million people.

Even if a more intensive apartment house development were to result along practically the entire parkway line, the objections to such a type of development would

be greatly minimized by reason of the fact that these apartments would have in front of their doors a parkway following the rapid transit line. In other words, simply by crossing the street, there would be ample playground and breathing space for the children.

Leaving Queens and entering Brooklyn, the line first passes through the unrestricted zone around Newtown Creek. Being unrestricted, and having waterfront facilities, that area will develop as an industrial and commercial center.

From Driggs Avenue to Franklin Avenue the line passes through the center of Greenpoint, restricted either to residences, or to residence and business use. In conjunction with the proposed Brooklyn Crosstown Line, which it crosses at Manhattan Avenue, the line will tend to develop this area as a business and community center.

The Brooklyn area within ½ mile of the proposed line had in 1920 a population of about 85,000.

The easterly end of the line will be adjacent to a large proposed public city park, and it will be within comparatively short bus travel of Little Neck and Manhasset Bays as well as of woodland areas in Nassau County. The line would develop considerable Sunday and holiday traffic in giving New York City access to these places, suitable for popular recreation.

Speed.

Assuming express service from the beginning of the 4-track portion, with stops for express trains at two stations in Greenpoint and at all Manhattan stations, and with equipment similar to that in the Dual System, the train time between various points on the line would be about as follows:

From	To Manhattan Ave., Greenpoint	To Broadway, Manhattan
City Limits	43'	49'
The center of the 2-track portions (3½ miles from city limits)	29'	35'
Manhattan Ave., Greenpoint.....	..	6'

In other words, from Broadway Manhattan the outer limits of Queens could be reached in a little over ¼ of an hour's ride, and central Queens, a territory now almost entirely without transit facilities, would be brought to within a little over ½ hour from Manhattan.

Suggested Manhattan-Jamaica Line.

It has been suggested that a line be constructed between Jamaica and Manhattan. Jamaica already has important electric railroad facilities operated by the Long Island Railroad and has rapid transit facilities too. It would be a mistake to build more facilities for Jamaica when there is such a large area in Queens without any transit facilities of any kind. The effect of such a policy would be to still further concentrate the population, not diffuse it. This has already been explained at greater length.

Although such a line is not favored, two alternatives have been indicated on Dwg. 168, File 51. One is a proposed 23d St. Manhattan-Greenpoint-Jamaica Line and the other is a proposed 34th St. Manhattan-Long Island City-Queens Boulevard-Jamaica Line. The first one of these lines is identical with the Parkway Line from Manhattan as far as the intersection of Juniper and Metropolitan Avenues, just east of the Lutheran Cemetery, where the Parkway Line turns to the northeast away from Metropolitan Avenue. From this point this Jamaica line continues as a subway under Metropolitan and Hillside Avenues, until it intersects Queens Boulevard, and then connects with the existing Jamaica Avenue Elevated Line.

Without going into details, such a line would be approximately 11 miles long and would cost for construction, including Real Estate, Administration, Superintendence, and Interest, or all elements of construction cost, approximately \$71,000,000.

The other Jamaica Line would cross Manhattan through 34th Street, pass under the East River to and through Borden Avenue in Long Island City and thence via Laurel Hill Boulevard and Queens Boulevard to a point where connection could be made with

the existing Jamaica Avenue Elevated Line. It would also be approximately 11 miles long and would cost to construct, including all elements, about \$80,000,000.

In other words, these two alternative routes planned to serve Jamaica and the territory between Jamaica, Manhattan and through Greenpoint and along Metropolitan Avenue in the one plan, and through Long Island City and along Queens Boulevard in the other case, would each be 6 miles shorter than the proposed Parkway Line, and the first, the Metropolitan Avenue alternative, would cost about \$9,500,000 more than the Parkway Line, and the second, the Queens Boulevard Route, would cost about \$18,500,000 more than the Parkway Line. That is to say, by spending $9\frac{1}{2}$ million dollars or $18\frac{1}{2}$ million dollars more as the case may be, we would provide an additional rapid transit line for Queens which would still further tend to concentrate the population instead of opening up the areas in Queens at present unavailable for housing on account of lack of transit facilities.

The only advantage that either one of these alternatives would have is, that it would temporarily relieve the pressure on the Long Island Railroad. But all past experience demonstrates that bringing into this territory another means of mass transportation would, unless some restrictive agency could be supplied, lead to a boom in apartment house building, bringing another section of the population under congested living conditions and in this way congesting the new as well as previous means of transit to a point where still more transit for this section would be demanded before facilities were provided for the undeveloped areas.

For these reasons, and for other reasons already set forth, I am opposed to both of these alternatives.

The Advantages of the Proposed Parkway Line as a Whole.

Summarizing the situation, the advantages of the proposed line as a whole are as follows:

1. It will directly connect with each other, a residential territory capable of giving, under a high standard of housing, homes to half a million people, the Manhattan Community center, the Greenpoint Community center, the Newtown Creek Industrial and Shipping zone, and a Recreation area partly within and partly outside of the limits of the city.

2. It will by one transfer, via the proposed Brooklyn Crosstown Line, give its passengers access to the parts of Brooklyn and Queens traversed by the latter line, and by another transfer, to almost any other part of Brooklyn, Queens, or Manhattan.

3. If the Brooklyn Crosstown Line is later extended via the Astoria Branch and across 125th Street in Manhattan, and if the Manhattan-Bronx-Queens Crosstown Line included in the Comprehensive Plan (also proposed to be constructed as a parkway line) is built, it will in the same manner give its passengers access to upper Manhattan, the Bronx and the Jamaica Bay area.

4. It will give to the Borough of Queens, not only a rapid transit line, but also a Park 9 to 10 miles long, with a park area of about 450 acres, immediately accessible to a population directly served by a rapid transit line, and at a relative construction cost of only 29% more than an elevated line and 61% less than a subway line.

5. It will give to the city 17 route miles and 50 single track miles of rapid transit line at a lower cost than would be possible for any other line of equal utility in any part of the city.

6. It will bring the outlying section of Queens, now undeveloped, within about $\frac{3}{4}$ of an hour or less of central Manhattan—and central Queens within a half-hour of central Manhattan.

7. It will, particularly if the territory it will open for home building can be subjected to some sort of regulation that will keep the apartment density within desirable limits, accomplish that for which rapid transit lines in the outlying districts have been built, but which they so far have accomplished only imperfectly—diffuse the population and eliminate congestion. Or, if the character of the housing cannot be controlled, and a dense apartment house development develops, the evil effects of such housing would be minimized by the park immediately accessible for the use of the population.

8. Finally, the Parkway Line provides both Transit and Parks in an ideal manner and at a minimum joint cost.

D. L. TURNER,
Consulting Engineer.

1258—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Transformer Room and Switching Equipment for Emergency Lighting—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated August 30, 1923, requesting approval of a proposed purchasing agent's order directed to Isidor Fajans Company, Inc., for furnishing and installing transformer room and switching equipment for emergency lighting in the Broadway-Fourth Avenue Line at a cost of \$31,978.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated September 6, 1923, recommending approval, which report was endorsed by the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated August 30, 1923, submitted for the approval of this Commission proposed purchasing agent's order dated August 15, 1923, directed to Isidor Fajans, Inc., for the following:

"Install and furnish (except as furnished by the Company) Transformer Room and Switching Equipment for Emergency Lighting, Broadway-4th Avenue Line, in accordance with attached specifications dated June 15, 1923.

Payments to be made in accordance with attached Schedule of Prices.

Partial payments to be made on the 20th day of each month for 90% of the value of the work performed during the preceding month, provided the Contractor is making proper progress and payments by the Contractor to any sub-contractor for work done in connection with the work are being made consistent with payments by the Company to the Contractor.

Time of Completion—Six (6) weeks from date of order."

which proposed purchasing agent's order has been caused to be designated as "Approval No. 367"; and

Whereas, By communication dated September 6, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the price of the low bidder as corrected is reasonable and the best attainable; that the work consists of furnishing and installing transformer-room and switching equipment for emergency lighting at seventeen (17) stations of the Broadway-4th Avenue Line in Manhattan, at the Vernon Avenue shaft in Queens and in the switch room at Canal Street, including completion of the room at Canal Street in the Borough of Manhattan; that the specifications covering such work were approved by the Chief Engineer of this Commission on June 27, 1923; that the said contractor is competent to perform the work and recommend the approval of said proposed purchasing agent's order; and

Whereas, By endorsement dated September 11, 1923, the Auditor of Rapid Transit Costs approved by the Chief of the Bureau of Accounting and Valuations has recommended that such work be classified as Equipment of the Railroad as described in Contract No. 4.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

Commission may determine whether or not, in its opinion, the car or cars to be acquired and/or the proposed reconstruction or rearrangement of car equipment is safe, adequate and proper to be used for or in connection with the transportation of persons or property; and it is

Further Ordered, That this order shall take effect immediately and shall continue in force until changed or abrogated.

Further Ordered, That the order adopted by the Public Service Commission for the First District on September 11, 1914 in Case No. 1867 with respect to the subject hereof be and the same hereby is in all respects abrogated and annulled upon the adoption of this order.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

1261—Case 2158

The Bronx Traction Company—Application for Approval of Declaration of Abandonment of Route on Morris Park Avenue—Order Denying Application to Re-open Case Adopted.

The Commission again took under consideration the petition, dated July 23, 1923, of The Bronx Traction Company, asking for the re-opening of the case for the purpose of introducing further evidence in support of its application for approval of declaration of abandonment. The Secretary presented an Opinion, dated September 10, 1923, by George H. Stover, Assistant Counsel, approved by Counsel to the Commission, recommending that the petition to re-open be denied in view of the recent order in Case No. 2693, directing a resumption of service on the Morris Park Avenue line, sought to be abandoned, which order had been accepted by the company.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2158, denying the petition of The Bronx Traction Company to re-open the case.

1262—Case 2693

Union Railway Company of New York City—Resumption of Operation of Morris Park Avenue Line—Notices from Companies Accepting Order Filed—Letter from Union Railway Company of New York City Requesting Modification of Order—Motion Denying Application Adopted

The Secretary presented two notices, dated September 7, 1923, of the Union Railway Company of New York City and The Bronx Traction Company, accepting the Order in Case No. 2693, adopted August 28, 1923, directing a resumption of operation on the Morris Park Avenue line, which notices were thereupon ordered filed. The Secretary also presented a letter, dated September 7, 1923, from Garrow T. Geer, Secretary, Union Railway Company of New York City, requesting a modification of the Order of August 28, 1923, so as to have the work of realignment of tracks carried out in connection with the City's paving work.

Thereupon the Commission denied said application and authorized a communication to the company that if compliance with the terms could not be accomplished within the limitation set forth in the Order, the Commission would entertain an application for an extension of time.

1263—Case 2699

Manhattan Bus Corporation—Application for Certificate of Public Convenience and Necessity for Operation of State Routes on 79th, 86th and 96th Streets, Manhattan—Hearing Order with Notice Adopted

The Secretary presented a petition, dated August 30, 1923, from the Manhattan Bus Corporation by Martin H. O'Neil, President, asking for a certificate of public convenience and necessity for the operation of stage routes by auto buses on certain streets in the Borough of Manhattan, City of New York. The Secretary also presented a copy of the company's application to the Board of Estimate and Apportionment, dated August 4, 1923, for a franchise, together with a copy of agreement, dated July 27, 1923, with The New York & Harlem Railroad Company, providing for the exchange of transfers with additional cost.

Thereupon an order in Case No. 2699 was adopted and ordered filed directing a hearing on September 25, 1923, at 11 A. M., in the following form:

Present:

GEORGE McANENY,	} Commissioners.
Chairman,	
LE ROY T. HARKNESS,	
JOHN F. O'RYAN,	

<p>IN THE MATTER of the Application of the MANHATTAN BUS CORPORATION for a certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan, City of New York.</p>

Case No. 2699.
HEARING ORDER WITH
NOTICE.

A petition, dated August 30, 1923, having been presented to the Commission by the Manhattan Bus Corporation, for a certificate of public convenience and necessity for the operation of a stage route by auto buses on the following routes in the Borough of Manhattan, New York City:

(a) 79th Street line: From East River through 79th Street and Transverse Road to Central Park West; north on Central Park West to 81st Street; west on 81st Street to Columbus Avenue; south on Columbus Avenue to 79th Street; west on 79th Street to Broadway; north on Broadway to 80th Street; west on 80th Street to West End Avenue; south on West End Avenue to 79th Street. Then eastbound on 79th Street to Columbus Avenue; north on Columbus Avenue to 81st Street; east on 81st Street to Central Park West; south on Central Park West to 79th Street and Transverse Road and east on Transverse Road and 79th Street to East River.

(b) 86th Street line: From 92nd Street Ferry south on Avenue "A" to 86th Street; west on 86th Street to Fifth Avenue; south on Fifth Avenue to 85th Street; west on 85th Street through Transverse Road to Central Park West and 86th Street; west on 86th Street to Broadway; north on Broadway to 87th Street; west on 87th Street to West End Avenue and south on West End Avenue to 86th Street. Then eastbound on 86th Street through Transverse Road to Fifth Avenue and 85th Street; north on Fifth Avenue to 86th Street; east on 86th Street to Avenue "A" and north on Avenue "A" to 92nd Street Ferry.

(c) 96th Street line: From 92nd Street Ferry west on 92nd Street to First Avenue; north on First Avenue to 96th Street; west on 96th Street to Fifth Avenue; north on Fifth Avenue to 97th Street; west through Transverse Road to Central Park West; south on Central Park West to 96th Street; west on 96th Street to Broadway; north on Broadway to 97th Street; west on 97th Street to West End

Avenue; south on West End Avenue to 96th Street. Then eastbound on 96th Street to Central Park West; north on Central Park West to 97th Street; east through Transverse Road to Fifth Avenue; south on Fifth Avenue to 96th Street; east on 96th Street to First Avenue; south on First Avenue to 92nd Street and east on 92nd Street to Astoria Ferry,

and it appearing that petitioner has made application to the Board of Estimate and Apportionment for its consent or franchise as required by law.

Ordered, That a hearing be held before the Commission on the petition presented to this Commission on September 25, 1923 at 11 o'clock in the forenoon, in the hearing room of the Commission, No. 49 Lafayette Street, Borough of Manhattan, New York City, for the purpose of determining whether, in the event of a consent or franchise being granted to the petitioner by the Board of Estimate and Apportionment, a certificate of public convenience and necessity should be granted by this Commission to petitioner.

Further Ordered, That notice of the hearing on this application should be published once before the date of said hearing by the petitioner in two (2) newspapers published in the City of New York; viz. The World and The Evening Telegram.

Further Ordered, That notice of this hearing be given to the Manhattan Bus Corporation, the New York & Harlem Railroad Company and The City of New York, by service of a certified copy of this order in the manner provided by law.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

TRANSIT COMMISSION—STATE OF NEW YORK

IN THE MATTER
of the

Application of the MANHATTAN BUS CORPORATION for a certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan, City of New York.

Case No. 2699.

PUBLISHED
NOTICE OF HEARING.

A petition, dated August 30, 1923, having been presented to this Commission by the Manhattan Bus Corporation, asking for a certificate of public convenience and necessity for the operation of a stage route by auto buses over the following routes:

(a) 79th Street line: From East River through 79th Street and Transverse Road to Central Park West; north on Central Park West to 81st Street; west on 81st Street to Columbus Avenue; south on Columbus Avenue to 79th Street; west on 79th Street to Broadway; north on Broadway to 80th Street; west on 80th Street to West End Avenue; south on West End Avenue to 79th Street. Then eastbound on 79th Street to Columbus Avenue; north on Columbus Avenue to 81st Street; east on 81st Street to Central Park West; south on Central Park West to 79th Street and Transverse Road and east on Transverse Road and 79th Street to East River.

(b) 86th Street line: From 92nd Street Ferry south on Avenue "A" to 86th Street; west on 86th Street to Fifth Avenue; south on Fifth Avenue to 85th Street; west on 85th Street through Transverse Road to Central Park West and 86th Street; west on 86th Street to Broadway; north on Broadway to 87th Street; west on 87th Street to West End Avenue and south on West End Avenue to 86th Street. Then eastbound on 86th Street through Transverse Road to Fifth Avenue and 85th Street; north on Fifth Avenue to 86th Street; east on 86th Street to Avenue "A" and north on Avenue "A" to 92nd Street Ferry.

(c) 96th Street line: From 92nd Street Ferry west on 92nd Street to First Avenue; north on First Avenue to 96th Street; west on 96th Street to Fifth Avenue; north on Fifth Avenue to 97th Street; west through Transverse Road to Central Park West; south on Central Park West to 96th Street; west on 96th Street to Broadway; north on Broadway to 97th Street; west on 97th Street to West End Avenue; south on West End Avenue to 96th Street. Then eastbound on 96th Street to Central Park West; north on Central Park West to 97th Street; east through Transverse Road to Fifth Avenue; south on Fifth Avenue to 96th Street; east on 96th Street to First Avenue; south on First Avenue to 92nd Street and east on 92nd Street to Astoria Ferry.

Take Notice that a hearing will be held by and before the Transit Commission on said application in the hearing room of the Commission, No. 49 Lafayette Street, Borough of Manhattan, New York City, on September 25, 1923 at 11 o'clock in the forenoon, for the purpose of determining whether, in the event of a consent or franchise being granted to the petitioner by the Board of Estimate and Apportionment, a certificate of convenience and necessity should be granted by the Commission to petitioner.

Dated: New York, September 12, 1923.

TRANSIT COMMISSION,
By JAMES B. WALKER,
Secretary.

1264—Case 2700

The Staten Island Rapid Transit Railway Company and the Staten Island Railway Company—Service and Equipment—Hearing Resolution Approved

On motion, duly seconded, a Resolution in Case No. 2700 was unanimously approved and ordered filed, directing a hearing on September 27, 1923, at 11 A. M., with respect to the above matter.

1265—Case 1867

Brooklyn City Railroad Company—Notice of Reconstruction of Fifty-four Centre Entrance Trailer Cars—Letter to Company Authorized

The Secretary presented a communication, dated September 8, 1923, from C. E. Morgan, Vice-President & General Manager of Brooklyn City Railroad Company, transmitting specifications and blueprints showing proposed reconstruction of fifty-four (54) centre entrance trailer cars. The Secretary also presented a report, dated September 11, 1923, by W. C. Whiston, Electrical Engineer, approved by H. N. Latey, Engineer of Equipment & Operation, advising that the plans and specifications had been found satisfactory.

Thereupon the Secretary was authorized to transmit a letter to the Brooklyn City Railroad Company advising that the Commission had no adverse criticism to make with respect to said plans and specifications.

1266—Case 2496-A

New York Central Railroad Company—Application of City of New York for Determination as to Manner in Which Bridge Across Morris Avenue Shall be Altered or Changed—Order Adopted Approving Completed Work

The Secretary presented a communication, dated September 5, 1923, from George W. Kittredge, Chief Engineer of the New York Central Railroad Company, advising that the work of altering the bridge carrying Morris Avenue over the company's tracks, pursuant to the Commission's Order in Case No. 2496-A, had been completed and asking the Commission's approval of same. The Secretary also presented a report, dated September 10, 1923, by W. L. Selmer, Engineer of Structures, approved by H. N. Latey, Engineer of Equipment & Operation, recommending approval of work, together with a report, dated September 12, 1923, from George H. Stover, Assistant Counsel, approved by Counsel to the Commission, recommending approval of work.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2496-A, approving the completed work.

1267—Case 2662

Interborough Rapid Transit Company—Application for Authority to Issue Gold Notes—Notice from H. A. Metz, Accepting Renomination as Director under Voting Trust Agreement—Filed

The Secretary presented a letter dated September 11, 1923, from H. A. Metz, acknowledging receipt of resolution of Commission renominating him as a representative of the Public of The City of New York, as a Director of Interborough Rapid Transit Company under the Voting Trust Agreement, for a term ending September, 1926, which was thereupon filed.

1268—R. T. 7654

Routes Nos. 19 & 22—Section No. 2—Communication from Acting Corporation Counsel Advising of Vesting of Title to Property Acquired for the Westchester Yard—Filed

The Commission ordered filed a communication dated September 7, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, advising that the order of the Special Term of the Supreme Court, Bronx County, granting the petition of the Transit Commission, relative to the acquisition of an estate in fee simple absolute, in and to certain premises, between Westchester and Blondell Avenues, Eastchester Road, Haswell Street and Waters Avenue, in the Borough of The Bronx, for the construction, maintenance and operation of the Westchester Yard, had been filed in the office of the Clerk of the County of The Bronx, on the 20th day of August, 1923, and that pursuant to the provisions of Section 47 of the Rapid Transit Act (Chapter 4 of the Laws of 1891 as amended), title to the property vested in the City of New York, on that date.

1269

Employees' Calendar No. 164

On motion duly seconded the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Edward W. Coe, junior assistant, at \$125.08 per month, to take effect September 10, 1923; Thomas A. McDermott, junior assistant, at \$125.08 per month, to take effect September 10, 1923; Abraham M. Morris, draftsman, at \$150.08 per month, to take effect September 10, 1923; Francis J. Murphy, junior assistant, at \$125.08 per month, to take effect September 10, 1923; Eugene J. Sullivan, junior clerk, at \$60.00 per month, to take effect September 10, 1923.

Appointments under Rule VIII:9—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect September 14, 1923; Amedeo Carmina, engineering inspector, at \$150.08 per month, to take effect September 22, 1923; Roland J. McAuliffe, engineering inspector, at \$150.08 per month, to take effect September 29, 1923; Jacob D. Mednick, draftsman, at \$150.08 per month, to take effect September 21, 1923; Morris Nagin, junior assistant, at \$125.08 per month, to take effect September 21, 1923; Granville W. Pullis, assistant photographer, at \$125.00 per month, to take effect September 28, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect, September 14, 1923; William H. Snow, engineering inspector, at \$150.08 per month, to take effect September 10, 1923.

Resignations—Philip Perlstein, junior assistant, at \$125.08 per month, to take effect September 6, 1923; Walter Widstrand, junior assistant, at \$125.08 per month, to take effect September 5, 1923.

Terminations of Appointments under Rule VIII:4—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect September 13, 1923; Amedeo Carmina, engineering inspector, at \$150.08 per month, to take effect September 21, 1923; Roland J. McAuliffe, engineering inspector, at \$150.08, per month, to take effect September 28, 1923; Jacob D. Mednick, draftsman, at \$150.08 per month, to take effect September 20, 1923; Morris Nagin, junior assistant, at \$125.08 per month, to take effect September 20, 1923; Granville W. Pullis, assistant photographer, at \$125.00 per month, to take effect September 27, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect September 13, 1923; William H. Snow, engineering inspector, at \$150.08 per month, to take effect September 9, 1923.

Leave of Absence with Pay—Edward C. Bergman, correspondence clerk, from July 21, 1923, to August 11, 1923; C. M. Cornelius, junior engineer, from June 25, 1923, to July 31, 1923; Charles Lahr, junior engineer, from July 4, 1923, to July 11, 1923; from August 4, 1923, to August 11, 1923; from September 4, 1923, to September 11, 1923; from October 4, 1923, to October 11, 1923; from November 4, 1923, to November 11, 1923; from December 4, 1923, to December 11, 1923; Ruth Pennetto, clerk, from August 6, 1923, to August 11, 1923.

Leaves of Absence without Pay—Charles Lahr, junior engineer, from July 12, 1923, to August 3, 1923; from August 12, 1923, to September 3, 1923; from September 12, 1923, to October 3, 1923; from October 12, 1923, to November 3, 1923; from November 12, 1923, to December 3, 1923; from December 12, 1923, to January 3, 1924; Israel Reichel, junior assistant, from September 1, 1923, to October 15, 1923.

1270

Voucher Schedule No. 37

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that said vouchers be transmitted for payment to the Comptroller of The City of New York, to the Comptroller of The State of New York, to the Brooklyn Manhattan Transit Corporation, or to The South Brooklyn Railway Company, as the vouchers may direct:

Vouchers Nos. 849-870, open market orders, \$710.78; Vouchers Nos. 452-466, miscellaneous bills, \$1,713.71; Voucher No. 236-BMT, \$673.52; Voucher No. 236-SBR, \$673.51; Vouchers Nos. 162-170, City payrolls, \$99,012.50; Voucher No. CM-18, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 228; Jacob Schlesinger, Inc.; approximate estimate No. 3 for making changes in subway structures necessitated by the widening of 60th Street between Second and Fifth Avenues, from July 26, 1923 to August 25, 1923, (R. T. 7639) \$8,041.50;

Voucher No. 231; New York Rapid Transit Corporation as Successor to New York Municipal Railway Corporation; approximate estimate No. 5 for lengthening of platforms at the Canal Street Station of the Centre Street Loop from July 1, 1923 to July 31, 1923 (R. T. 7431) \$9,089.76;

Voucher No. 232; Frederick L. Cranford, Inc.; approximate estimate No. 14, for the reconstruction of a part of Section No. 3 of Route No. 33, Completion of Lawrence Street station, from August 1, 1923 to August 31, 1923 (R. T. 7454) \$7,708.30;

Voucher No. 233; Hamme & Jackson, Inc.; approximate estimate No. 1 for reconstructing the retaining wall on both sides of the 60th Street Tunnel, at North Jane Street, under the jurisdiction of the President of the Borough of Queens, from August 14, 1923 to August 31, 1923 (R. T. 7622) \$630.00;

Voucher No. 235; Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 12, for the construction of inspection shed enclosure for Route No. 18, 180th Street Yard, from August 1, 1923 to August 31, 1923 (R. T. 7457) \$4,423.45;

Voucher No. 234; Frederick L. Cranford, Inc.; approximate estimate No. 5 for the construction of Section 6-A-1 of Route No. 8, from August 1, 1923 to August 31, 1923 (R. T. 7667) \$40,901.83;

Voucher No. 236; M. A. Charles; approximate estimate No. 1 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets in the Borough of Brooklyn, Agreement "CJ," from June 30, 1923 to August 31, 1923 (R. T. 7648) \$1,347.04;

- Voucher No. 235-BMT; M. A. Charles; approximate estimate No. 1 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets in the Borough of Brooklyn, Agreement "CJ," from June 30, 1923 to August 31, 1923 (R. T. 7648) \$673.52;
- Voucher No. 236-SBR; M. A. Charles; approximate estimate No. 1 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets in the Borough of Brooklyn, Agreement "CJ," from June 30, 1923 to August 31, 1923 (R. T. 7648) \$673.51;
- Voucher No. 237; Powers-Kennedy Contracting Corporation; approximate estimate No. 15 for the construction of Routes Nos. 35 and 37, from August 1, 1923 to August 31, 1923 (R. T. 7584) \$62,379.97;
- Voucher No. 238; Fox, Reynolds Co., Inc.; approximate estimate No. 3 for the excavation and construction of a retaining wall at the Lenox Avenue and 148th Street Yard, from August 1, 1923 to August 31, 1923 (R. T. 7642) \$8,779.50;
- Voucher No. 239; T. H. Reynolds Contracting Company, Inc.; approximate estimate No. 9 for the installation of tracks in Sections Nos. 1 to 5 inclusive, Route No. 8, from August 1, 1923 to August 31, 1923 (R. T. 7536) \$53,364.09.

1271

Upon motion duly seconded and adopted, the meeting was adjourned to Friday, September 14, 1923, at 10:30 A. M.

1272**Hearing**

The following hearing was held:

11 A. M.: Case No. 2696: Application of South Brooklyn Railway Company for authority to purchase and acquire capital stock of Prospect Park and South Brooklyn Railroad Company and of The New York and Coney Island Railroad Company and to merge said companies and Prospect Park and Coney Island Railroad Company into the petitioner. Commissioner Harkness presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, September 13, 1923

1273**Hearings**

The following hearings were held:

11:00 A. M. R. T. 7690—Proposed locations of stations on North Jane Street, Jackson Avenue and Newtown Creek, Route No. 70-A-1 and Manhattan Avenue, Roebeling Street and Bedford Avenue, Route No. 70-B, Borough of Brooklyn. Chairman McAneny and Commissioner Harkness presided. Hearing closed.

11:00 A. M. R. T. 7691—Proposed locations of stations on Central Park West, Manhattan Avenue and St. Nicholas Avenue, Route No. 78, Borough of Manhattan. Chairman McAneny and Commissioner Harkness presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, September 14, 1923

Present: George McAney, Chairman; LeRoy T. Harkness, Commissioner; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1274—Case 1379**New York Rapid Transit Corporation—Monthly Reports—Extension Order Adopted**

The Acting Secretary presented a communication, dated September 4, 1923, from M. B. Hoffman, Assistant Counsel for the New York Rapid Transit Corporation, requesting on behalf of said company, an extension of time to November 1, 1923, to file June, 1923, report. The Acting Secretary also presented a report, dated September 10, 1923, by H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending an extension to October 15, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1379, granting New York Rapid Transit Corporation an extension of time to October 15, 1923, within which to file monthly report for June, 1923.

1275—Case 1399**New York Rapid Transit Corporation et al.—Quarterly Reports—Extension Order Adopted**

The Acting Secretary presented a communication, dated September 4, 1923, from M. B. Hoffman, Assistant Counsel for the New York Rapid Transit Corporation, New York Consolidated Railroad Company and Lindley M. Garrison, as Receiver thereof, asking for a further extension of time to November 1, 1923, to file reports for the quarter ended June 30, 1923. The Acting Secretary also presented a report, dated September 10, 1923, by H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending an extension of time to October 15, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1399, granting the above mentioned companies and Receiver, an extension of time to October 15, 1923.

1276—Case 2690**Interborough Rapid Transit Company—Form of Annual Report for Year Ending June 30, 1923—Extension Order Adopted**

The Acting Secretary presented a communication, dated September 7, 1923, from E. F. J. Gaynor, Auditor, Interborough Rapid Transit Company, requesting an extension of time to October 30, 1923, within which to file annual report for the year ended June 30, 1923, as required by the Commission's Order in Case No. 2690. The Acting Secretary also presented a report, dated September 12, 1923, by H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending the granting of the application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, granting the desired extension of time to October 30, 1923.

1277—Case 2696

South Brooklyn Railway Company—Petition for Approval of Purchase of Capital Stock of Prospect Park and South Brooklyn Railroad Company et al. and Merger of Said Companies—Opinion by Commissioner Harkness Approved—Order Granting Application Adopted

The Acting Secretary presented an Opinion in Case No. 2696, by Commissioner Harkness, recommending the granting of the application of the South Brooklyn Railway Company as set forth in its petition, dated August 20, 1923.

Thereupon the above mentioned Opinion in Case No. 2696 was approved and an Order in Case No. 2696 was adopted and ordered filed in the following form:

Present:

GEORGE McANENY, Chairman, LeROY T. HARKNESS,	}	Commissioners.
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IN THE MATTER OF THE PETITION
of

SOUTH BROOKLYN RAILWAY COMPANY for authorization to purchase and acquire capital stock of PROSPECT PARK AND SOUTH BROOKLYN RAILROAD COMPANY and of THE NEW YORK AND CONEY ISLAND RAILROAD COMPANY and to merge said companies and PROSPECT PARK AND CONEY ISLAND RAILROAD COMPANY into the petitioner.

Case No. 2696.

ORDER APPROVING ACQUISITION OF STOCK AND MERGER.

South Brooklyn Railway Company having heretofore acquired, pursuant to due authority from the Public Service Commission for the First District of the State of New York, the entire capital stock of Prospect Park and Coney Island Railroad Company, 495 shares of the total of 500 shares of the capital stock of the Prospect Park and South Brooklyn Railroad Company and 820 shares of the total of 1000 shares of the capital stock of The New York and Coney Island Railroad Company, and having applied to the Commission by petition dated and verified August 20th, 1923 for authority to purchase and acquire the remaining capital stock of Prospect Park and South Brooklyn Railroad Company and The New York and Coney Island Railroad Company, not heretofore acquired and not now owned by it, and for permission and approval of the merger, after it shall have purchased and acquired all of the stock of said Companies, of Prospect Park and Coney Island Railroad Company, The New York and Coney Island Railroad Company and Prospect Park and South Brooklyn Railroad Company into South Brooklyn Railway Company, and a hearing having been duly had on said application, and due deliberation having been had, it is

Ordered, That, pursuant to authority conferred upon it by Chapter 48 of the Consolidated Laws of the State of New York and by the acts amendatory thereof and supplemental thereto, the Commission hereby

(1) authorizes South Brooklyn Railway Company to purchase and acquire all of the capital stock of The New York and Coney Island Railroad Company and of Prospect Park and South Brooklyn Railroad Company, not heretofore acquired and not now owned by it, at a price not to exceed \$112.00 per share.

(2) permits and approves the merger, when all of said capital stock of said companies shall have been so acquired, of Prospect Park and Coney Island Railroad Company, The New York and Coney Island Railroad Company and Prospect Park and South Brooklyn Railroad Company into South Brooklyn Railway Company in accordance with the provisions of the statutes in such case made and provided;

Further Ordered, that the Chairman and the Secretary of the Commission be and they hereby are authorized and directed, upon the presentation to them of a certificate of merger in due form and duly executed by the South Brooklyn Railway Company, certifying that it has acquired and owns all of the capital stock of said Prospect

Park and Coney Island Railroad Company, The New York and Coney Island Railroad Company and Prospect Park and South Brooklyn Railroad Company, and that appropriate resolutions have been adopted by the board of directors of South Brooklyn Railway Company merging said corporations into South Brooklyn Railway Company, to make and execute under the official seal of the Commission a certificate of its permission and approval of such merger in substantially the following form:

“PERMISSION AND APPROVAL OF
TRANSIT COMMISSION

Pursuant to authority upon it conferred by Chapter 48 of the Consolidated Laws of the State of New York, and the acts amendatory thereof and supplemental thereto, the Transit Commission of the State of New York, by order duly made and adopted at a meeting held September 14, 1923, has permitted and approved and does hereby permit and approve the merger of Prospect Park and Coney Island Railroad Company, The New York and Coney Island Railroad Company and Prospect Park and South Brooklyn Railroad Company into South Brooklyn Railway Company, the certificate for which merger is hereto annexed, upon the terms and conditions of such merger and the mode of carrying the same into effect as prescribed in said certificate.

In Witness Whereof, the said Transit Commission of the State of New York has caused these presents to be executed by its Chairman and its Secretary, under its official seal, this _____ day of _____, 1923.

TRANSIT COMMISSION OF THE STATE OF
NEW YORK,

[SEAL]

By.....
Chairman.

Attest:

.....
Secretary.”

BY THE TRANSIT COMMISSION
FRANK N. ROBINSON,
Acting Secretary.

1278—Case 2679

Brooklyn Rapid Transit Company—Application of Stockholders’ Committee for Approval of Plan of Reorganization—Order Adopted Permitting New York Rapid Transit Corporation to Intervene and to Issue, Execute and Deliver Mortgages, Bonds and Stock

The Acting Secretary presented the following:

1. Proposed First and Refunding Mortgage, dated as of July 2, 1923, made by the New York Rapid Transit Corporation to the Central Union Trust Company of New York, which was thereupon approved and ordered filed in Case No. 2679.
2. Proposed Refunding Mortgage, dated as of July 2, 1923, made by the New York Rapid Transit Corporation to The Chase National Bank of The City of New York, which was thereupon approved and ordered filed in Case No. 2679.
3. Consent, dated September 4, 1923, of the National Surety Company et al., as sureties on the continuing bond of the New York Municipal Railway Corporation to The City of New York, under Contract No. 4, to the transfer and assignment of said contract to the New York Rapid Transit Corporation, which was thereupon ordered filed in Case No. 2679.

The Acting Secretary also presented three photostatic copies of three checks each dated June 15, 1923, made by Committee under Plan of Readjustment, dated

April 25, 1923, by Otis Everett, Secretary, countersigned by Alfred E. Mudge, and payable to the order of New York Rapid Transit Corporation at The Chase National Bank of The City of New York, numbered 1, 2 and 3, respectively, and drawn for the following sums: \$500,000; \$250,000 and \$250,000, which said photostatic copies were thereupon ordered filed in Case No. 2679.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2679, in the following form:

Present:

GEORGE McANENY,
Chairman, } Commissioners.
LE ROY T. HARKNESS, }

IN THE MATTER

of the

Application of the Committee under the Reorganization Plan for the approval of Plan and Agreement for the Reorganization of BROOKLYN RAPID TRANSIT COMPANY and RAPID TRANSIT RAILROAD and SURFACE RAILROAD SUBSIDIARY COMPANIES.

Case No. 2679.

IN THE MATTER

of the

Application of the Committee under the Reorganization Plan for the approval of Plan and Agreement for the Reorganization of BROOKLYN RAPID TRANSIT COMPANY and RAPID TRANSIT RAILROAD and SURFACE RAILROAD SUBSIDIARY COMPANIES.

Case No. 2679.

SUPPLEMENTAL APPLICATION No. 3—Application of New York Rapid Transit Corporation for leave to intervene and for authority to issue, execute and deliver mortgages, bonds and stock.

ORDER PERMITTING NEW YORK RAPID TRANSIT CORPORATION TO INTERVENE AND TO ISSUE, EXECUTE AND DELIVER MORTGAGES, BONDS AND STOCK.

The Transit Commission having heretofore on June 4, 1923, by order duly made and granted herein on said date, on the application dated March 23, 1923, and filed herein on said date by the Committee acting under the Plan and Agreement dated March 15, 1923, for the Reorganization of Brooklyn Rapid Transit Company, and on the supplemental application dated April 30, 1923, and filed herein on said date by said Committee acting under the Plan of Readjustment dated April 26, 1923, for the Reorganization of New York Municipal Railway Corporation (hereinafter called the Railway Corporation) and New York Consolidated Railroad Company (hereinafter called the Consolidated Company), (1) authorized the reorganization of Brooklyn Rapid Transit Company, and the capitalization of the new company formed or intended to be formed upon such reorganization, as provided in said Plan and Agreement of Reorganization; (2) authorized the reorganization of the Railway Corporation and the Consolidated Company, and the capitalization of the new company intended to be formed upon such reorganization, as provided in said Plan of Readjustment, and (3) continued this proceeding to hear and consider the intervening petition or petitions of the new company intended to be formed upon the reorganization of the Railway Corporation and the Consolidated Company, in respect of the issuance by it of stock, mortgages and bonds as provided in said Plan of Readjustment; and

New York Rapid Transit Corporation (hereinafter called the Petitioner), as the new company formed upon the reorganization of the Railway Corporation and the Consolidated Company, having made and filed application herein (Supplemental Application

No. 3 dated and verified August 25, 1923) for leave to intervene in this proceeding and become a party thereto, and for an order or orders of the Commission

(a) authorizing the Petitioner to issue and deliver as provided in said Plan of Readjustment, not to exceed 189,000 shares of its common stock, without nominal or par value;

(b) authorizing and consenting to the execution and delivery by the Petitioner to the Central Union Trust Company of New York, as Trustee, of its First and Refunding Mortgage dated as of July 2, 1923, to secure an authorized issue of First and Refunding Mortgage Bonds limited to the aggregate principal amount of not to exceed \$73,000,000 at any one time outstanding;

(c) authorizing and consenting to the execution and delivery by the Petitioner to The Chase National Bank of the City of New York, as Trustee, of its Refunding Mortgage dated as of July 2, 1923, to secure an authorized issue of Refunding Mortgage Gold Bonds limited to the aggregate principal amount of not to exceed \$350,000,000 at any one time outstanding, and authorizing and consenting to the issuance and delivery by the Petitioner under said Refunding Mortgage as provided for in said Plan of Readjustment, of not to exceed \$93,508,500 principal amount of Refunding Mortgage Five Per Cent Sinking Fund Gold Bonds, Series A, to be dated as of July 2, 1923, to mature July 1, 1968, to be redeemable on any interest payment date at 107½% of the principal amount thereof and accrued interest and to be otherwise as provided in said Refunding Mortgage;

(d) authorizing and consenting, pursuant to Section 54 of the Public Service Commission Law, and pursuant to the provisions of the contract dated March 19, 1913, entered into between The City of New York, acting by the Public Service Commission for the First District of the State of New York, and said Railway Corporation, as heretofore modified or supplemented, known as Contract No. 4, and the provisions of the certificates of the same date, granted by said Public Service Commission for the First District to and accepted by said Railway Corporation, for additional tracks and for extensions, to the assignment and transfer of said contract and said certificates to the Petitioner, and to the mortgage of said contract and said certificates by including the same in said First and Refunding Mortgage and said Refunding Mortgage of the Petitioner; and

(e) granting to the Petitioner such other and further relief as may be just and proper;

And a hearing having been duly had on said application of the Petitioner, counsel for the Petitioner and for said Committee being heard in support thereof, and the Corporation Counsel of the City of New York appearing and reaffirming his previous opposition to said Plan and Agreement of Reorganization and said Plan of Readjustment, and due deliberation having been had, it appearing:

(1) that the Consolidated Company, being the lessee of the road of the Railway Corporation and lawfully owning all of its capital stock, by resolutions of its board of directors adopted May 25, 1923 and with the permission and approval of the Commission given in the manner required by law by order made and granted herein on June 4, 1923, merged the Railway Corporation on June 4, 1923, by certificate of merger filed on said date in the office of the Secretary of State of the State of New York and in the office of the Clerk of Kings County, pursuant to Section 15 of the Stock Corporation Law and Section 149 of the Railroad Law of the State of New York, and thereby acquired and became possessed of all of the estate, property, rights, privileges and franchises of the Railway Corporation;

(2) that, pursuant to the final decree of the District Court of the United States for the Southern District of New York, dated and filed in the office of the Clerk of said Court on April 5, 1923, the property and franchises of or belonging to the Railway Corporation, the Consolidated Company and Lindley M. Garrison, as Receiver of said corporations, were duly sold on June 7, 1923 by E. Henry Lacombe, Esq., Special Master appointed by said Court in and by said final decree, to Albert H. Wiggin, Gerhard M. Dahl and Frederick Strauss as joint tenants (hereinafter referred to as the Purchasers), constituted and acting as a Purchasing Committee under and by virtue of an agreement dated June 4, 1923, between said Committee acting under said Plan of Readjustment and the

Purchasers, which sale was duly confirmed by said Court on June 7, 1923, by decree dated and filed on said date, and said property and franchises were thereupon duly granted, assigned and conveyed by said Special Master to the Purchasers, by deed dated June 7, 1923, and the Purchasers thereby acquired title to said property and franchises in the manner prescribed by law;

(3) that the Purchasers and additional persons associated with them, by certificate of incorporation dated June 7, 1923 and filed and recorded as required by law in the office of the Secretary of State of the State of New York and in the office of the Clerk of Kings County on June 8, 1923, formed the Petitioner under and pursuant to Sections 9 and 10 of the Stock Corporation Law of the State of New York, for the purpose of carrying out and performing said Plan of Readjustment and of taking and possessing said property and franchises formerly of or belonging to the Railway Corporation, the Consolidated Company or their Receiver so sold to and acquired by the Purchasers, and that the Petitioner is the new company intended to be formed upon the reorganization of the Railway Corporation and the Consolidated Company as provided in said plan of Readjustment;

(4) that under and pursuant to an Agreement of Sale dated June 14, 1923 between said Committee acting under and as provided for in said Plan of Readjustment, the Purchasers and the Petitioner, and by deed of the same date from the Purchasers to the Petitioner, the Purchasers assigned, transferred and conveyed to the Petitioner all their and each of their right, title and interest in and to said property and franchises formerly of or belonging to the Railway Corporation, the Consolidated Company or their Receiver, and the Petitioner thereby acquired title to said property and franchises in the manner prescribed by law;

(5) that, in consideration of and in payment for said property and franchises, and in readjustment of the respective interests therein of the mortgagees and stockholders of and holders of claims against the Railway Corporation and the Consolidated Company, and in further consideration of the sum of \$1,000,000 in cash paid to the Petitioner for working capital and for its other corporate purposes as provided in said Agreement of Sale dated June 14, 1923, and of the further sum of \$5,000,350 in cash (being the proceeds of \$5,155,000 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, at 97% of the principal amount thereof) which said Committee has agreed to cause to be paid to or deposited with the Trustee under the Refunding Mortgage hereinafter described for account of the Petitioner, the Petitioner has agreed in and by said Agreement of Sale and is obligated to issue and cause to be delivered to Brooklyn-Manhattan Transit Corporation (the corporation organized under Sections 9 and 10 of the Stock Corporation Law of the State of New York by said Committee acting under said Plan and Agreement dated March 15, 1923, for the Reorganization of Brooklyn Rapid Transit Company, as the successor to said company) and to such other persons as shall be entitled to receive the same in accordance with said Plan of Readjustment, bonds and shares of stock of the Petitioner, as follows:

\$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, of the Petitioner, dated as of July 2, 1923, payable July 1, 1968, and otherwise as provided in the proposed Refunding Mortgage of the Petitioner submitted to the Commission, under which said bonds are to be issued and by which they are to be secured, and 189,000 shares of the capital stock of the Petitioner, without nominal or par value; and

(6) that the First and Refunding Mortgage and the Refunding Mortgage submitted to the Commission, and the said \$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, and the said 189,000 shares of capital stock without nominal or par value, proposed to be issued, executed and delivered by the Petitioner, are the mortgages, bonds and stock contemplated and provided for in said Plan of Readjustment dated April 26, 1923, for the Reorganization of the Railway Corporation and the Consolidated Company, and are in accordance with the capitalization of the new company intended to be formed upon such reorganization, as authorized by

the order of the Commission made and granted herein on June 4, 1923, as aforesaid;

And it further appearing, and the Commission being of the opinion and finding that the execution and delivery by the Petitioner of said First and Refunding Mortgage and said Refunding Mortgage, and the issuance and delivery by the Petitioner of (1) \$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, under said Refunding Mortgage payable at a period of more than twelve months after the date thereof, and (2) 189,000 shares of its capital stock, without nominal or par value, and the money or proceeds to be procured by the issuance and delivery of said bonds and said stock, are necessary to and reasonably required by the Petitioner for the acquisition of property or for the construction, completion, extension or improvement of its facilities or for the discharge of its obligations, and particularly for the purposes herein stated; and that, except as to \$154,650 principal amount of said bonds necessary to make up discount in connection with the sale and purchase of \$5,155,000 principal amount thereof at 97% of the principal amount thereof as provided in the aforesaid Agreement of Sale dated June 14, 1923, said purposes are not in whole or in part reasonably chargeable to operating expenses or to income;

SECTION I.

Ordered, That the Petitioner be, and it hereby is, authorized and permitted to intervene in and become a party to the above-entitled proceeding, with the same force and effect as though originally named therein as one of the parties thereto.

SECTION II.

Further Ordered, That the Commission does hereby consent to and authorize the Petitioner, in consideration of and part payment for the property and franchises formerly of or belonging to the Railway Corporation, the Consolidated Company or their Receiver sold to and acquired by the Petitioner as aforesaid, and in readjustment of the respective interests therein of the mortgagees and stockholders of and holders of claims against said Railway Corporation and said Consolidated Company as provided in said Plan of Readjustment dated April 26, 1923, to issue and deliver to Brooklyn-Manhattan Transit Corporation and to such other persons as shall be entitled to receive the same in accordance with the provisions of said Plan of Readjustment, 189,000 shares of its capital stock (constituting its entire authorized stock), without nominal or par value.

SECTION III.

Further Ordered, That, upon the Petitioner duly obtaining the consent of the stockholders owning its capital stock to an amount at least equal to that required by law, and not otherwise, the Commission does hereby consent to and authorize the issuance, execution and delivery by the Petitioner to Central Union Trust Company of New York, as Trustee, of a mortgage and deed of trust of its property and franchises, to be known as its First and Refunding Mortgage, to be dated as of July 2, 1923, to secure an authorized issue of First and Refunding Mortgage Gold Bonds limited to the principal amount of not to exceed \$73,000,000 at any one time outstanding and to be in the form of the proposed First and Refunding Mortgage submitted to the Commission, which is hereby approved and ordered filed and properly identified by reference thereon to this order; provided, however, that nothing contained in this order is intended or shall be deemed to constitute the consent by the Commission to or the authorization by it of the present issuance of any bonds under or secured by said First and Refunding Mortgage.

SECTION IV.

Further Ordered, That, upon the Petitioner duly obtaining the consent of the stockholders owing its capital stock to an amount at least equal to that required by law, and not otherwise, the Commission does hereby consent to and authorize the issuance, execution and delivery by the Petitioner to The Chase National Bank of the City of New York, as Trustee, of a mortgage and deed of trust of its property and franchises, to be known as its Refunding Mortgage, to be dated as of July 2, 1923, to secure an authorized issue of Refunding Mortgage Gold Bonds limited to the principal amount of not to exceed \$350,000,000 at any one time outstanding and to be in the form of the proposed Refunding Mortgage submitted to the Commission, which is hereby approved and ordered filed and properly identified by reference thereon

to this order; provided, however, that nothing contained in this order is intended or shall be deemed to constitute the consent by the Commission to or the authorization by it of the present issuance of any bonds under or secured by said Refunding Mortgage, except \$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A.

SECTION V.

Further Ordered, That the Petitioner be and it is hereby authorized, in consideration of and part payment for the property and franchises formerly of or belonging to the Railway Corporation, the Consolidated Company or their Receiver sold to and acquired by the Petitioner as aforesaid, and in readjustment of the respective interests therein of the mortgagees and stockholders of and holders of claims against said corporations, and in further consideration of the cash amounts paid and to be paid to or deposited for account of the Petitioner as provided in said Agreement of Sale dated June 14, 1923, to issue and deliver, under and pursuant to the terms of said Refunding Mortgage of the Petitioner, to said Brooklyn-Manhattan Transit Corporation and to such other persons as shall be entitled to receive the same in accordance with the provisions of said Plan of Readjustment dated April 26, 1923 and said Agreement of Sale dated June 14, 1923, \$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, dated as of July 2, 1923, payable July 1, 1968, redeemable on any semi-annual interest payment date at 107½% of the principal amount thereof and accrued interest and bearing interest at 5% per annum payable semi-annually and otherwise as provided in said Refunding Mortgage.

SECTION VI.

Further Ordered, That the issuance and delivery by the Petitioner of said \$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, are authorized upon the following conditions and not otherwise, which conditions the Petitioner undertakes to perform as evidenced by the acceptance of this order and which may be enforced against the Petitioner by appropriate legal proceedings, to wit:

First: That at or prior to the time of the issuance and delivery of said \$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, there shall be deposited with The Chase National Bank of the City of New York, as Trustee under said Refunding Mortgage and in accordance with the provisions of Section 1 of Article Two thereof, the sum of \$5,000,350 in cash, to be held and applied by said Trustee from time to time to some one or more of the purposes to which, under and subject to the provisions and restrictions of said Refunding Mortgage, moneys on deposit with the Trustee as Deposited Cash (as such term is defined in Section 5 of Article Two thereof) may be applied.

Second: That the authority hereby given to issue said \$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, shall apply only to bonds issued by the Petitioner on or before July 1, 1924.

SECTION VII.

Further Ordered, That the Petitioner keep separate, true and accurate accounts showing the receipt and application in detail of the proceeds of the sale or sales or disposal of the bonds and stock hereby authorized to be issued and on or before the 10th day of each month the Petitioner shall make verified reports to the Commission stating the sale or disposition of said bonds and stock during the previous month, the terms and conditions of such sale or disposal, the moneys realized therefrom and the use and application of such moneys; and said accounts, vouchers and records shall be open to audit and may be audited from time to time by accountants and examiners designated for such purpose by the Commission. So much of said bonds and stock issued as shall not be required to carry out said Plan of Readjustment and said Agreement of Sale dated June 14, 1923, shall be returned to the Petitioner and cancelled.

SECTION VIII.

Further Ordered, That an executed counterpart original of said First and Refunding Mortgage and an executed counterpart original of said Refunding Mortgage hereby consented to and authorized, each having endorsed thereon or annexed thereto a certifi-

cate executed by the President or a Vice-President of the Petitioner, under its corporate seal, attested by its Secretary or an Assistant Secretary, showing the consent of the stockholders owning the capital stock of the Petitioner to the execution and delivery of each of said mortgages, to an amount at least equal to that required by law, shall be filed by the Petitioner with the Secretary of the Commission upon the execution and delivery of said respective mortgages.

SECTION IX.

Further Ordered, That the Commission, pursuant to the provisions of Section 54 of the Public Service Commission Law, does hereby consent to and approve the conveyance, assignment and transfer to the Petitioner of the property and franchises formerly of or belonging to the Railway Corporation, the Consolidated Company or their Receiver sold to and acquired by the Petitioner as aforesaid, and that, pursuant to the provisions of said Section of the Public Service Commission Law and pursuant to the provisions contained in the contracts and certificates described as follows:

(a) Contract dated March 19, 1913, entered into between The City of New York, acting by the Public Service Commission for the First District of the State of New York, and New York Municipal Railway Corporation, as heretofore modified or supplemented, known as Contract No. 4;

(b) Certificate dated March 19, 1913, granted by said Public Service Commission to and accepted by said New York Municipal Railway Corporation, providing for extensions of elevated railroads; and

(c) Certificate dated March 19, 1913, granted by said Public Service Commission to and accepted by said New York Municipal Railway Corporation, providing for additional tracks;

the Commission does hereby consent to and approve the assignment and transfer of said contract and certificates to the Petitioner, and does hereby consent to and approve the mortgage of said property, franchises, contracts and certificates by including the same in the aforesaid First and Refunding Mortgage and in the aforesaid Refunding Mortgage of the Petitioner.

SECTION X.

Further Ordered, That this order is made, and the findings, consents, approvals and authorizations herein contained are respectively made or given and granted, without prejudice to any rights, claims or defenses, whether accrued or to accrue, of The City of New York or of the Petitioner, under or in connection with the aforesaid contract dated March 19, 1913, as heretofore modified or supplemented, known as Contract No. 4, or under or in connection with either of the aforesaid certificates of the same date for extensions of elevated railroads and for additional tracks, respectively.

SECTION XI.

Further Ordered, That this order is made and the findings, approvals, consents and authorizations herein contained are respectively made or given and granted by the Commission in the exercise of all of the powers in that behalf in it vested under the Public Service Commission Law of the State of New York and Chapter 4 of the Laws of 1891 of said State, entitled "An Act to Provide for rapid transit railways in cities of over one million inhabitants," and the acts amendatory thereof and supplemental thereto, and under the provisions of the contract and certificates hereinbefore in Section IX described, notwithstanding any reference herein to any particular provision of any thereof; subject, however, to the provisions of Section X of this order.

SECTION XII.

Further Ordered, That this order take effect upon its date, and, except as provided in Subdivision Second of Section VI limiting the duration of the authority to issue the said \$93,508,500 principal amount of Refunding Mortgage Five Per Cent. Sinking Fund Gold Bonds, Series A, continue in force until otherwise ordered by the Commission, and that within ten days after service upon it of a copy of this order the Petitioner, and said Committee acting under said Plan of Readjustment dated April 26, 1923, notify this Commission whether the terms of this order are accepted and will be obeyed.

BY THE COMMISSION,
FRANK N. ROBINSON,
Acting Secretary.

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Hearings

The following hearings were held:

11:30 A. M.; R. T. 7602; Draft form of contract for construction of column foundations for Section No. 2 of Route No. 52, Flushing Line. Chairman McAneny presided. Hearing closed.

11:30 A. M.; R. T. 7702; Draft form of contract for furnishing and erecting structural steel for Section No. 2 of Route No. 52, Flushing Line. Chairman McAneny presided. Hearing closed.

11:30 A. M.; R. T. 7664; Draft form of contract for construction of station finish at Lawrence Street Station of the Broadway-Fourth Avenue Rapid Transit Railroad, Borough of Brooklyn. Chairman McAneny presided. Hearing closed.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Tuesday, September 18, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

1280

The Minutes of the Proceedings for the month of June, 1923, were approved.

1281—R. T. 7536

Route No. 8, Sections Nos. 1 to 5—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Furnishing and Placing in Storage Broken Stone under Contract for Installation of Tracks—Approval Resolution

A report was presented from the Chief Engineer dated September 15, 1923, recommending the establishment of a supplementary schedule item, as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item No. 3000 of the contract dated October 25, 1922, between The City of New York, acting by the Commission, and the T. H. Reynolds Contracting Company, Inc., for the installation of tracks for the 14th Street-Eastern Line, Route No. 8, Sections 1 to 5 inclusive, having, subject to the approval of the Commission, agreed with the said contractor upon the following schedule item:

Item No. 2-X For furnishing and placing in storage on the North 7th Street Pier, Brooklyn, as directed by the Engineer, approximately 350 cubic yards of broken stone "Class A" ballast, at a price of \$3.75 per cubic yard.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1282—R. T. 7690

Routes Nos. 70-A-1 and 70-B—Report by Chief Engineer Recommending Location of Stations on North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue and Manhattan Avenue, Roebling Street and Bedford Avenue Routes—Approval Resolution

A report was presented from the Chief Engineer dated September 15, 1923, recommending the approval of the location of stations on the Brooklyn Crosstown Line, Routes Nos. 70-A-1 and 70-B, as described below.

The following resolution was adopted:

Whereas, By communication dated August 13, 1923 the Chief Engineer of this Commission reported with respect to the tentative locations of stations on the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A-1 and the Manhattan Avenue, Roebling Street and Bedford Avenue Route, Route No. 70-B; and

Whereas, Thereafter and on September 13, 1923 this Commission held a public hearing upon the question of the locations of stations on the said foregoing rapid transit routes constituting parts of the so-called Brooklyn Crosstown Line; and

Whereas, By communication dated September 15, 1923 as supplemented by the following communication of September 15, 1923:

“This supplements my letter of even date in reference to proposed location of stations on Routes Nos. 70-A-1 and 70-B of the Brooklyn Crosstown Line.

“After due consideration of the various suggestions made at the public hearing held on September 13, 1923 as to location of stations, I respectfully

“Recommend that the location of stations on the Brooklyn Crosstown Line be as follows:

Street Along Which Route Passes

North Jane Street

Jackson Avenue

Manhattan Avenue

Roebling Street

Williamsburgh Bridge Plaza
and Roebling Street
Bedford Avenue

Location of Stations

Hancock Street to Sherman Avenue

William Street to Prospect Street

Mott Avenue to Pearson Street

Sixth Street to Fourth Street

Dupont Street to Freeman Street

Greenpoint Avenue to Noble Street

Nassau Avenue to Driggs Avenue

North 9th Street to North 7th Street

Centered on Grand Street

Centered on Broadway

Keap Street to Hewes Street

Lynch Street to Flushing Avenue

Myrtle Avenue to Willoughby Avenue

Clifton Place to Lexington Avenue

Putnam Avenue to Hancock Street.”

the Chief Engineer has recommended the permanent location of stations as hereinbefore set forth.

Resolved, That the said report of September 15, 1923 aforesaid be and the same hereby is approved and that the locations of stations on said Routes Nos. 70-A-1 and 70-B as therein indicated be and the same hereby are approved.

1283—R. T. 6924

Contract No. 1—Application by President of Borough of Manhattan for Approval of Proposed Permit for Raising of Ventilating Grating and Emergency Exit Covers at Broadway and Seventh Avenue, 46th to 47th Streets, Borough of Manhattan—Report by Chief Engineer Stating Same Is Satisfactory—Approval Resolution

An application was presented from Hon. Julius Miller, President of the Borough of Manhattan, dated September 10, 1923, requesting approval of a proposed permit

issued by the Interborough Rapid Transit Company for raising of the ventilating grating and emergency exit covers of the Manhattan-Bronx Rapid Transit Railroad at Broadway and Seventh Avenue, 46th to 47th Streets, Borough of Manhattan.

A report was presented from the Chief Engineer dated September 17, 1923, stating that the proposed permit is satisfactory from an engineering standpoint.

The following resolution was adopted:

Whereas, The President of the Borough of Manhattan by communication dated September 10, 1923, has requested approval of this Commission of a proposed permit dated August 20, 1923, to be issued by Interborough Rapid Transit Company granting permission to raise the ventilating grating and emergency exit covers of the Manhattan-Bronx Rapid Transit Railroad, at the intersection of Broadway and Seventh Avenue, 46th to 47th Streets, in the Borough of Manhattan, City of New York, as more particularly indicated upon the plan or drawing attached to and made part of said proposed permit, which proposed permit has been accepted by the President of the Borough of Manhattan; and

Whereas, The Chief Engineer of this Commission, by communication dated September 17, 1923 addressed to Counsel to the Commission, reports that said proposed permit has been examined and found satisfactory from an engineering standpoint; and

Whereas, Counsel has examined said proposed permit and finds no objection thereto,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed permit so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

1284—R. T. 6924

Route No. 31—Application by Interborough Rapid Transit Company for Approval of Proposed Permit to New York Telephone Company to Install Bond on Elevated Column at Sutter Avenue and East 98th Street—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated August 31, 1923, requesting approval of a proposed permit to be issued to the New York Telephone Company, to install a bond on Elevated Column No. 15-E, at Sutter Avenue and East 98th Street, Borough of Brooklyn.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated September 15, 1923, stating that the proposed permit is satisfactory from an engineering standpoint.

The following resolution was adopted:

Whereas, By communication dated August 31, 1923, Frank Hedley as President and General Manager of Interborough Rapid Transit Company, has submitted for the approval of this Commission a proposed permit dated July 18, 1923 to be issued to New York Telephone Company and accepted by said New York Telephone Company on August 14, 1923 granting the permission to install and maintain with its cable system a bond to be located at Column No. 15-E at Sutter Avenue and East 98th Street of the Livonia Avenue Line of the Eastern Parkway Rapid Transit Railroad, upon the terms and conditions as more particularly set forth in said proposed permit; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated September 15, 1923 have reported that the proposed bond will involve no risk of injury to the railroad structure; that the form

of permit is satisfactory from an engineering standpoint and recommend the approval thereof; and

Whereas, Counsel has examined the said proposed permit and finds no objection thereto,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed permit so submitted be and the same hereby is approved, and that the Chairman and Secretary of this Commission be and they hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

1285—R. T. 6924

Routes Nos. 4 & 38, Section No. 3—Application by Pure Oil Company for Approval of Proposed Permit Issued by Interborough Rapid Transit Company for Substitution of Heavier Type of Ventilating Gratings in Front of Premises at West Side of Seventh Avenue, North of Morton Street, Borough of Manhattan—Report by Chief Engineer Stating Same Is Satisfactory—Approval Resolution

An application was presented from the Pure Oil Company, dated September 12, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company, for the approval of the substitution of a heavier type of ventilating grating in front of premises at west side of Seventh Avenue, North of Morton Street, Borough of Manhattan.

A report was presented from the Chief Engineer dated September 17, 1923, stating that the proposed permit is satisfactory from an engineering standpoint.

The following resolution was adopted:

Whereas, The Pure Oil Company has by communication dated September 12, 1923 submitted for the approval of this Commission a proposed permit dated July 24, 1923, to be issued by Interborough Rapid Transit Company, granting the right to said Pure Oil Company to remove certain sections of the ventilator gratings forming part of the Municipal Rapid Transit Railroad, extending under and along Seventh Avenue in the Borough of Manhattan and in front of the premises located on the west side of Seventh Avenue just north of the intersection of Seventh Avenue and Morton Street and to substitute therefor a heavier type of grating and concrete slabs as more particularly shown upon the plan or drawing made part of said proposed permit for the purpose of providing two driveways across the sidewalk to the said premises, and which said proposed permit has been accepted under date of August 29, 1923 by the said Pure Oil Company and by the Wendell & Evans Company of New York City, the owner of said premises; and

Whereas, The Chief Engineer of this Commission by communication dated September 17, 1923 has reported that the said proposed permit is satisfactory from an engineering standpoint with the exception hereinafter noted; and

Whereas, Counsel to the Commission has examined said proposed permit and finds no objection thereto,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed permit so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit, the approval of the Transit Commission being upon condition that the said permit shall before delivery thereof be changed in the following respects:

Page 3, Line 5, take out the first "of" and substitute therefor "to."

1286—R. T. 6924

Routes Nos. 19 & 22, Section No. 1-A—Application by Pure Oil Company, for Approval of Proposed Permit Issued by Interborough Rapid Transit Company for Substitution of Heavier Type of Ventilating Gratings in Front of Premises at Southeast Corner of Southern Boulevard and East 163rd Street, Borough of The Bronx—Report by Chief Engineer Stating Same Is Satisfactory—Approval Resolution

An application was presented from the Pure Oil Company, dated September 12, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company, for the substitution of a heavier type of ventilating grating in front of the premises at the southeast corner of Southern Boulevard and East 163rd Street, Borough of The Bronx.

A report was presented from the Chief Engineer dated September 17, 1923, stating that the proposed permit is satisfactory from an engineering standpoint.

The following resolution was adopted:

Whereas, The Pure Oil Company by communication dated September 12, 1923 has submitted for the approval of this Commission a proposed permit dated August 3, 1923, to be issued by Interborough Rapid Transit Company, granting the right to remove certain sections of the ventilator gratings installed as part of the municipal rapid transit railroad extending under and along Southern Boulevard in the Borough of The Bronx, City of New York, in front of the premises located on the east side of Southern Boulevard, at the intersection of East 163rd Street, in said Borough and to substitute therefor a heavier type of gratings to provide a driveway across the sidewalk to said premises, which said proposed permit has been accepted by said Pure Oil Company and by D. & D. Land & Improvement Company, Inc., the owner of said premises; and

Whereas, The Chief Engineer of this Commission by communication dated September 17, 1923, reports that the said proposed permit is satisfactory from an engineering standpoint; and

Whereas, Counsel has examined said proposed permit and finds no objection thereto, Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed permit so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

1287—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Signal Air Line at 239th Street Yard—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 30, 1923, requesting approval of a proposed purchasing agent's order directed to M. O'Neil Supply Company for furnishing pipe for a signal air line for the 239th Street Yard at a total cost of \$2,675.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated September 11, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District,

and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by communication dated August 30, 1923, has submitted for the approval of this Commission a proposed purchasing agent's order dated August 30, 1923, directed to M. O'Neil Supply Company for the following:

5,000 Ft. 2" Galv. iron pipe, extra heavy good quality coupling at one end and protector sleeve at the other end.

Price: \$0.53½ per ft..... \$2,675.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 501"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated September 11, 1923, reported that such material is to be used for a signal air line for the 239th Street Yard of the White Plains Road Line of the Railroad, as described in said Contract No. 3; that the following bids were received for such material:

	Price per ft.
M. O'Neil Supply Co.....	\$0.535
R. J. Donovan Co.....	0.57065
Cornell and Underhill.....	0.601
McMann and Taylor Co.....	0.6565
Crane Co.	Did not quote
John Simmons Co.....	Did not quote

; that the award is to the lowest bidder which is competent to supply the material required; that the quantity ordered is necessary and the price reasonable, and recommend the approval of said proposed purchasing agent's order so submitted; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated September 18, 1923, has recommended that the cost of such material utilized for original installation be classified as Equipment of the Railroad, and that the excess of such material, if any, be classified as Operating Materials and Supplies Account,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such material, in so far as it is utilized for original installation, shall be classified as Equipment of the Railroad and any excess shall be classified as Operating Materials and Supplies Account.

1288—R. T. 6761

Manhattan Division—Application by Interborough Rapid Transit Company for Approval of Proposed Purchase of Scoop Conveyor for Use in 159th Street Yard—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated September 4, 1923, requesting approval of the proposed purchase from the Portable Machinery Company of a scoop conveyor equipped with a motor, starter and switch for use in the 159th Street Yard, at an approximate cost of \$680.

A report was presented from the Engineer of Equipment and Operation, and the Chief Engineer, dated September 12, 1923, stating that the conveyor is necessary and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the cost as Additions to Existing Manhattan Railroads and assigning Work Order No. IMA-6 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Certificate dated March 19, 1913, granted by the Public Service Commission for the First District to Manhattan Railway Company for additional tracks on Second Avenue, Third Avenue and Ninth Avenue Lines, the Interborough Rapid Transit Company as lessee of said Manhattan Railway Company

by communication dated September 4, 1923 has submitted for the approval of this Commission, its proposal to purchase a scoop conveyor for use in the 159th Street Yard of the Manhattan Division at a total approximate cost of six hundred and eighty dollars (\$680); and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated September 12, 1923, have reported that the conveyor is necessary to facilitate the loading of trucks or cars with sand, ashes or coal and will reduce the cost of this operation; that no bids were taken as this particular type of conveyor was desired; that the price is reasonable and recommended the approval of the proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated September 17, 1923, has recommended that the cost of such conveyor be classified as Additions to Existing Manhattan Railroads and that Work Order #IMA-6 be assigned thereto; and

Whereas, A stipulation dated March 19, 1923, has been entered into between The City of New York, acting by the Transit Commission and said Interborough Rapid Transit Company with respect to the proper interpretation and meaning of the provisions of said Additional Track Certificate and the Certificate for Elevated Extensions allied therewith in particular relation to betterments, improvements or additions to the Existing Manhattan Railroads,

Resolved, That the said reports and recommendations be and the same hereby are approved; that pursuant to said Additional Track Certificate and said stipulation of March 9, 1923, this Commission approves said proposal to install such scoop conveyor in the 159th Street Yard of the Manhattan Division of said Company upon condition that the cost thereof shall be classified as Additions to Existing Manhattan Railroads and as to which this Commission assigns Work Order #IMA-6.

1289—R. T. 6694

Routes Nos. 19 & 22—Application by Interborough Rapid Transit Company for Approval of Installation of Additional Signal North of Longwood Avenue Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated August 29, 1923, requesting approval to the installation of an automatic signal on the southbound local track No. 2 about 300 feet north of the Longwood Avenue Station of the Pelham Line at an estimated cost of \$1800.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer stating that the additional signal will give necessary protection to a train standing in the station and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad and assigning Work Order No. IBA-13 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has, by communication dated August 29, 1923, submitted for the approval of this Commission its proposal to install an additional signal on the southbound local track of the Pelham Line of the Railroad as described in said Contract No. 3, approximately 300 feet north of the Longwood Avenue Station of said line, at an approximate cost of \$1800; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated September 12, 1923, reported that the additional signal is recommended, because at the present time a train standing in the said Longwood Avenue Station cannot be seen by the motorman of a following train on account of the grade; that such additional signal will give the necessary protection to a train standing in said station; that the estimated cost is reasonable and recommend the approval of such proposal; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated September 18, 1923, has recommended that the cost of such additional signal be classified as Additional Equipment for the Railroad and that Work Order No. IBA-13 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company to install such additional signal at the location indicated be and the same hereby is approved, the cost of such installation to be classified as Additional Equipment for the Railroad and as to which this Commission assigns Work Order No. IBA-13.

1290—R. T. 6449

Contract No. 4—Application by New York Consolidated Railroad Company for Approval of Contract between New York Rapid Transit Corporation and William S. Jacobs, for Sale of Premises at Northwesterly Corner of 64th Street and 15th Avenue, Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the New York Consolidated Railroad Company, dated August 2, 1923, requesting approval of a proposed contract between the New York Rapid Transit Corporation and William S. Jacobs, covering the sale of certain premises at the northwesterly corner of 64th Street and 15th Avenue, Borough of Brooklyn, at the selling price of \$15,000.

A report was presented from the Real Estate Clerk, dated September 15, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, J. H. Bennington, Real Estate & Tax Agent for New York Consolidated Railroad Company, under date of August 2, 1923, has made request for approval of a contract between New York Rapid Transit Corporation, as Vendor, and William S. Jacobs, as Vendee, covering the sale of certain premises at the northwesterly corner of 64th Street and 15th Avenue, Borough of Brooklyn, said premises having been originally acquired as part of a larger parcel, a portion of which has been used in connection with the construction of the Sea Beach Line and being assessed at \$8,200., the agreed selling price being \$15,000., payable \$1,500. on the signing of the contract, \$3,500. on the delivery of the deed and the balance, \$10,000., by a purchase money bond and mortgage due on or before three years with interest thereon at the rate of 6% per annum, and upon certain other terms more particularly set forth in said contract; and

Whereas, The Real Estate Clerk under date of September 15, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid contract, and that the Secretary be, and he hereby is, authorized and directed to transmit a copy of this resolution to the said J. H. Bennington.

1291—R. T. 6449

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Contract with Lester H. Davis, for Sale of Premises on Easterly Side of Puntine Street, South of Jamaica Avenue, Borough of Queens—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated August 21, 1923, requesting approval of a proposed contract with Lester H. Davis, covering the sale of certain premises on the easterly side of Puntine Street, south of Jamaica Avenue, Borough of Queens, at the selling price of \$2,500.

A report was presented from the Real Estate Clerk, dated September 17, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, J. H. Bennington, Real Estate & Tax Agent for New York Rapid Transit Corporation, has under date of August 21, 1923, pursuant to the provisions of Contract No. 4, made application for the approval of a contract between New York Rapid Transit Corporation, as Vendor, and Lester H. Davis, as Vendee, covering the sale of a certain strip of vacant land on the easterly side of Puntine Street distant 177.67 feet southerly from the southerly line of Jamaica Avenue, Borough of Queens, for the selling price of \$2,500, upon certain terms as more particularly set forth in said contract, a copy of which is attached to said application; and

Whereas, The Real Estate Clerk, under date of September 17, 1923, has reported recommending that this contract be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid contract, and that the Secretary be, and he hereby is, authorized and directed to transmit a copy of this resolution to the said J. H. Bennington.

1292—R. T. 6554

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Agreement Terminating Lease for Premises at Ocean and Parkside Avenues, Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated July 23, 1923, requesting approval of a proposed agreement terminating the lease dated October 9, 1922, between The New York Consolidated Railroad Company and M. H. Levin, as of January 15, 1923, for the premises at Ocean and Parkside Avenues, Borough of Brooklyn.

A report was presented from the Real Estate Clerk dated September 12, 1923, stating that the Lessee was unable to secure the consent of the local authorities to the establishment of a gasoline station, and that physical possession was not taken of the premises, and recommending that the application be approved:

The following resolution was adopted:

Whereas, The Commission on October 18, 1922, approved the application of J. H. Bennington, In Charge of Real Estate for Lindley M. Garrison, Receiver, New York Consolidated Railroad Company, dated October 10, 1922, for the approval of a lease to M. H. Levin of premises at the above location at an annual rental of \$2,500, for a period of five years beginning the first day of November, 1922, for a gasoline station, and upon certain other conditions; and

Whereas, J. H. Bennington, Real Estate & Tax Agent for New York Rapid Transit Corporation, by communication dated July 23, 1923, has submitted for approval an agreement terminating a certain lease dated October 9, 1922, which is the lease above referred to between New York Consolidated Railroad Company and the said M. H. Levin, as of January 15, 1923, upon certain terms and conditions more particularly set forth in the proposed form of agreement, because of the inability of the lessee to secure the requisite authorization of public authorities to maintain a gasoline station at the above location; and

Whereas, The Real Estate Clerk under date of September 13, 1923, has reported upon this proposed form of agreement terminating the said lease, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid proposed form of agreement terminating the said lease, and that the Secretary be and he hereby is, authorized and directed to transmit a copy of this resolution to the said J. H. Bennington.

1293—R. T. 6597, 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Installation of Automatic Low Type Turnstile Control at 36th Street, Whitehall Street, DeKalb Avenue and Queens Plaza Stations—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated August 31, 1923, requesting approval of a proposed Purchasing Agent's Order, directed to the Whale Creek Iron Works, for the installation of automatic entrance and exit turnstiles at the 36th Street, Whitehall Street, DeKalb Avenue and Queens Plaza Stations, at a total cost of \$4,136.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated September 12, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad, to be performed under Work Order No. MBA-21, heretofore assigned.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4 and pursuant also to the provisions of the Certificates for Elevated Extensions and Additional Tracks allied with said Contract No. 4, the Transit Commission by resolution adopted April 25, 1923, approved of the installation of automatic low type turnstile control on the stations of the Railroad, the Existing Railroads and Elevated Extensions as said terms are defined in said Contract No. 4 and said Certificates and classified such work on the Railroad as Additional Equipment for the Railroad, and assigned thereto Work Order No. MBA-21; and

Whereas, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4 and said Certificates, by communication dated August 31, 1923, has submitted for the approval of this Commission, a proposed purchasing agent's order dated August 30, 1923, directed to Whale Creek Iron Works, for the following:

Furnish and deliver to the Stations indicated below, complete ready for installation by others, materials as required for the installation of automatic prepayment passimeters, entrance and exit turnstiles, railings, guards, grilles, posts, extensions to railings, etc., all as indicated upon our drawings C-5649, C5647, C-5656, C-5655, C-5691-1, C-5673, C-5588-3, C-5586, C-5646-1, as called for in our specifications dated August 9, 1923, amount to be paid account of each station being as follows:

36th St. Station	\$464.00
Whitehall St.—South	452.00
Whitehall St.—North	598.00
DeKalb Ave.	463.00
Queens Plaza	2,159.00

; which proposed purchasing agent's order has been caused to be designated as "Approval No. 370"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated September 12, 1923, reported that the following bids were received for such work:

	Total Bid for
	4 Stations.
Whale Creek Iron Works.....	\$4,136.00
Albee and Godfrey	5,200.00
Vulcan Rail and Construction Co.....	5,841.00
H. H. Uris Iron Works.....	5,942.00

that the award is to the lowest bidder, who is fully competent to perform the work; that the plans for the installation of such materials and turnstiles have already been approved by the Chief Engineer of this Commission; that the specifications forming part of said proposed purchasing agent's order are satisfactory and recommended the approval thereof in accordance with the Commission's action of April 25, 1923, aforesaid; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated September 17, 1923, has recommended that the work included in said proposed purchasing agent's order be classified as Additional Equipment for the Railroad under Work Order No. MBA-21, assigned, as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved; that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of the work under such order hereby approved to be classified as Additional Equipment for the Railroad as defined in said Contract No. 4, under Work Order No. MBA-21, heretofore assigned as aforesaid.

1294—Case 2628

New York Consolidated Railroad Company—Service and Equipment—Order Modifying Service Order "A" of July 13, 1922, Adopted

The Secretary presented a report, dated September 13, 1923, by George F. Daggett, Chief of Transit Bureau, approved by the Acting Chief Executive Officer, recommending that Service Order "A" in Case No. 2628, adopted July 13, 1922, be amended by adding a clause to the effect that on all holidays not classed as Legal Holidays, the New York Rapid Transit Corporation should submit to the Commission at least ten days before such holiday an outline of the service to be operated on such line.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2628, in the following form:

Present:

GEORGE McANENY, Chairman,	}	COMMISSIONERS.
LEROY T. HARKNESS,		

IN THE MATTER
of the

Hearing on the motion of the Commission upon the regulations, practices, equipment, appliances and service of the NEW YORK CONSOLIDATED RAILROAD COMPANY, the NEW YORK MUNICIPAL RAILWAY CORPORATION, and LINDLEY M. GARRISON, as Receiver of said NEW YORK CONSOLIDATED RAILROAD COMPANY and NEW YORK MUNICIPAL RAILWAY CORPORATION.

Case No. 2628.

ORDER MODIFYING SERVICE
ORDER "A" OF JULY 13, 1922.

Whereas, The Transit Commission by Order adopted herein on July 13, 1922, required certain service to be rendered as therein more particularly set forth; and

Whereas, This Commission is of the opinion that certain modifications should now be made in said Order for the purpose of making more clear its application in respect to service to be rendered on other than normal days.

Ordered, That the said Order of July 13, 1922 be modified in the following respect: Subdivision (6) of said Order, reading as follows,

"(6) The New York Consolidated Railroad Company and Lindley M. Garrison, as Receiver for said New York Consolidated Railroad Company, may apply to the Commission on or before the first Tuesday of each month, or at other times if sufficient cause be shown, for changes or modifications of any existing schedule due to variations in traffic."

be and the same hereby is modified so as to read as follows:

(6) The New York Consolidated Railroad Company and Lindley M. Garrison as Receiver for said New York Consolidated Railroad Company and/or their successors or assigns, may apply to the Commission on or before the first Tuesday of each month, or at other times, if sufficient cause is shown, for changes or modifications of any existing schedule, due to variations in traffic and the said company and its Receiver or their successors or assigns shall procure from the Commission the prior approval to any change in such schedule before placing any changed schedule in effect.

Further Ordered, That except as herein specifically modified, the Order of July 13, 1922 shall remain in all respects unchanged and in full force and effect.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

1295—Case 2627

Interborough Rapid Transit Company—Service and Equipment—Extension Order Adopted

The Secretary presented a communication, dated September 17, 1923, from Frank Hedley, President and General Manager, Interborough Rapid Transit Company, requesting a further extension of time to October 1, 1923, within which to notify the Commission whether the Order in Case No. 2627, amending Service Order "B," was accepted and would be obeyed.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2627, granting extension of time to and including September 30, 1923.

1296—R. T. 6114

Contract No. 1—Consents by Assignee, Contractor and Sureties upon Bond to Assignment of \$28,000 Retained Percentages under Contract for Construction of New Entrance at 168th Street Station—Filed

The Commission ordered filed consents of The First National Bank of the City of Boston, Holbrook, Cabot & Rollins Corporation and sureties upon the bond deposited by the contractor to the assignment dated August 28, 1923, made by Holbrook, Cabot & Rollins Corporation, to The First National Bank of the City of Boston, of the sum of \$28,000 retained percentages held by the City as additional security under the contract for the construction of a new entrance to the 168th Street Station of the Manhattan-Bronx Rapid Transit Railroad.

1297—R. T. 7230

Rapid Transit Railroads—Communication from Chief Engineer Submitting List of Sub-contracts Approved during Month of August, 1923—Filed

The following report by the Chief Engineer was ordered filed:

September 10, 1923.

To the TRANSIT COMMISSION:

List of Sub-Contracts.

I submit, as follows, a list of sub-contracts, approved by this Department during the month of August.

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
148th St. & Lenox Ave. Yard, Second Addition to Shops.		Jacob Schlesinger, Inc.	World Fireproof Door Corporation	8/15/23	Kalamein doors.
180th St. Yard, Inspection Shed Enclosure.		Rosenthal Engineering Contracting Co., Inc.	J. I. Hase, Inc.	8/ 3/23	Work of painting.
Jerome Ave. Yard, Inspection Shed Enclosure.		Jacob Schlesinger, Inc.	Levgar Structural Co.	8/ 8/23	Structural Steel.
Agreement "CJ"—Concrete and Steel Highway Bridge at 9th Ave. bet. 37th and 38th Sts., Brooklyn.		M. A. Charles	Buoniello Contracting Co.	8/ 7/23	Sand from pit of McVeigh & McCrodden, and broken stone from stock.
Agreement "CJ"—Concrete and steel Highway Bridge at 9th Ave. bet. 37th and 38th Sts., Brooklyn.		M. A. Charles	Concrete Steel Co.	8/24/23	Reinforcing Rods.
Agreement "CM"—Reconstructing retaining wall at North Jane St., Queens Borough, Rt. 61.		Hamme & Jackson	Hunterspoint Lumber & Supply Co.	8/20/23	Sand, gravel and "Lehigh" Portland Cement T. C. Inspected.

ROBERT RIDGWAY,
Chief Engineer.

1298

Employees' Calendar No. 165

On motion duly seconded the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; William J. Broderick, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; Amedeo Carmina, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; Abraham Kaufman, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; Percival P. Little, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; Roland J. McAuliffe, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; John L. McGowan, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; Granville W. Pullis, assistant photographer, at \$125.00 per month, to take effect September 24, 1923; William Russell, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; William H. Snow, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; Alexander Zigmund, file clerk, at \$90.00 per month, to take effect October 1, 1923.

Appointments under Rule VIII:4—William Barasch, junior assistant, at \$125.08 per month, to take effect September 13, 1923; Anthony Barranco, junior clerk, at \$60.00 per month, to take effect September 12, 1923; Irving Eimerman, junior assistant, at \$125.08 per month, to take effect September 17, 1923; James J. Foley, junior assistant, at \$125.08 per month, to take effect September 12, 1923; Eli Frankle, draftsman, at \$150.08 per month, to take effect September 14, 1923; Murray M. Fass, Jr., junior assistant, at \$125.08 per month, to take effect September 17, 1923; Joseph P. Gowan, junior assistant, at \$125.08 per month, to take effect September 14, 1923; Sigmund G. Jax, junior assistant, at \$125.08 per month, to take effect September 17, 1923; Max Steinman, junior clerk, at \$60.00 per month, to take effect September 17, 1923; Charles A. Zollo, junior assistant, at \$125.08 per month, to take effect September 17, 1923.

Reinstatements under Rule XVI:1—Jacob Drapkin, junior engineer, at \$175.00 per month, to take effect September 24, 1923; Belle Wolf, stenographer, at \$150.00 per month, to take effect March 20, 1923.

Resignations—Christopher F. Adler, junior clerk, at \$60.00 per month, to take effect September 10, 1923; Jacob Delbourgo, junior assistant, at \$125.08 per month, to take effect September 22, 1923; Philip Kass, junior assistant, at \$125.08 per month, to take effect September 17, 1923; Belle Wolf, stenographer, at \$150.00 per month, to take effect March 20, 1923; Alexander Zigmund, clerk, at \$70.00 per month, to take effect September 30, 1923.

Termination of Appointments under Rule VIII:4—William J. Broderick, junior assistant, at \$125.08 per month, to take effect September 23, 1923; Ernest H. Cooper, engineering inspector, at \$150.08 per month, to take effect September 21, 1923; Abraham Kaufman, engineering inspector, at \$150.08 per month, to take effect September 23, 1923; Percival P. Little, engineering inspector, at \$150.08 per month, to take effect September 23, 1923; Roland J. McAuliffe, engineering inspector, at \$150.08 per month, to take effect September 23, 1923; John L. McGowan, engineering inspector, at \$150.08 per month, to take effect September 23, 1923; William Russell, engineering inspector, at \$150.08 per month, to take effect September 23, 1923; Granville W. Pullis, assistant photographer, at \$125.00 per month, to take effect September 23, 1923.

Termination of Appointments under Rule VIII:9—Thomas A. Anderson, engineering inspector, at \$150.08 per month, to take effect September 23, 1923; James W. Carew, engineering inspector, at \$150.08 per month, to take effect September 21, 1923; Amedeo Carmina, engineering inspector, at \$150.08 per month, to take effect September 23, 1923; Edward Schafer, engineering inspector, at \$150.08 per month, to take effect September 21, 1923; William H. Snow, engineering inspector, at \$150.08 per month, to take effect September 23, 1923.

Rescission of Appointment under Rule VIII:9—Roland J. McAuliffe, engineering inspector, at \$150.08 per month, to take effect September 29, 1923.

Leaves of Absence with Pay—P. H. Agramonte, draftsman, from July 24, 1923, to September 15, 1923; Miriam Jacobson, stenographer, from July 9, 1923, to August 26, 1923; Mae E. Maxwell, stenographer, from August 1, 1923, to August 31, 1923; L. Seymour Schneider, junior assistant, from August 28, 1923, to October 27, 1923.

1299

Voucher Schedule No. 38

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos. 871-894, open market orders, \$1,094.13; Vouchers Nos. 467-488, miscellaneous bills, \$3,239.14.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 240; Oakdale Contracting Co., Inc.; approximate estimate No. 4 for the construction of Route No. 52, Section No. 3, Flushing Line, from August 1, 1923 to August 31, 1923; (R. T. 7673) \$45,241.85;

Voucher No. 241; Otis Elevator Co.; approximate estimate No. 3 for furnishing and installing two electric passenger elevators in the new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, from August 1, 1923 to August 31, 1923 (R. T. 7623) \$24,178.50;

Voucher No. 242; Gustin-Morris Contracting Corporation; approximate estimate No. 5, for the construction of foundations, Route No. 52, Section 1, Flushing Route, from August 1, 1923 to August 31, 1923 (R. T. 7670) \$7,488.14;

Voucher No. 243; Charles H. Brown & Son Corporation, Assignee; approximate estimate No. 19, for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8, from August 16, 1923 to September 15, 1923 (R. T. 7539) \$7,806.99;

Voucher No. 244; Slattery Engineering and Construction Co., Inc.; approximate estimate No. 10 for the construction of additional approach track to the Lenox Avenue and 148th Street Yard, under Contract No. 3, from August 1, 1923 to August 31, 1923 (R. T. 7366) \$15,560.25;

Voucher No. 245; Joslin Construction Co., Inc.; approximate estimate No. 13, for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Route No. 26, from August 1, 1923 to August 31, 1923 (R. T. 7556) \$8,117.77;
 Voucher No. 246; Jacob Schlesinger, Inc.; approximate estimate No. 3, for the construction of inspection shed and service building, Route No. 16, from August 7, 1923 to September 6, 1923 (R. T. 7636) \$13,319.39.

 JAMES B. WALKER,
 Secretary.

Proceedings for Thursday, September 20, 1923

1300

Hearing

The following hearing was adjourned:

11 A. M.; R. T. 4007; Lengthening of platforms at local stations, Contract No. 1.
 Adjourned to September 27, 1923 at 11 A. M.

 JAMES B. WALKER,
 Secretary.

Proceedings for Tuesday, September 25, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1301—R. T. 7591

Route No. 70-C—Resolution Extending Time Thirty Days from September 30, 1923, to Board of Estimate and Apportionment for Consideration of Route and General Plan for Bedford Avenue, Fulton Street and Livingston Street Route—Adopted

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn in the City of New York, known as the Bedford Avenue, Fulton Street and Livingston Street Route, Route No. 70-C, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time as extended by resolution of this Commission adopted July 10, 1923, expires on September 30, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said committees,

Resolved, That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment, in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended thirty (30) days from September 30, 1923.

1302—R. T. 7591

Route No. 70-D—Resolution Extending Time Thirty Days from September 30, 1923, to Board of Estimate and Apportionment for Consideration of Route and General Plan for Bedford Avenue-Brighton Beach Railway Connection—Adopted

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn in the City of New York, known as the Bedford Avenue-Brighton Beach Railway Connection, Route No. 70-D, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time as extended by resolution of this Commission adopted July 10, 1923, expires on September 30, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said committees,

Resolved, That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment, in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended thirty (30) days from September 30, 1923.

1303—R. T. 7661

Route No. 78—Communication from Broadway Association Requesting that Central Park West, Manhattan Avenue and St. Nicholas Avenue Route Be Constructed within Limits of Central Park—Referred to Counsel

A communication was presented from the Broadway Association dated September 17, 1923, requesting that the Central Park West, Manhattan Avenue and St. Nicholas Avenue Route, Route No. 78, be constructed within the limits of Central Park from West 64th Street to 110th Street so as to avoid expense of disturbing water pipes, service mains, sewers, gas mains and other sub-surface structures along Central Park West. The matter was referred to Counsel.

1304—R. T. 7431

Fourth Avenue Subway—Proposed Agreement with New York Rapid Transit Corporation for Lengthening Platforms of DeKalb Avenue, Myrtle Avenue and Pacific Street Stations—Approval Resolution

The following resolution was adopted:

Whereas, This Commission, by resolution adopted September 7, 1923, ordered, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, the New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, to perform the work of lengthening the platforms of the DeKalb Avenue, Myrtle Avenue and Pacific Street Stations of the Broadway-Fourth Avenue Line of the Railroad as described in said Contract No. 4, as Additions to Construction as defined in said Contract No. 4, and on September 7, 1923 made requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of \$282,000 for the purposes of carrying out the work in accordance with the provisions of said Contract No. 4; and

Whereas, Counsel has prepared and submitted a proposed agreement between The City of New York, acting by this Commission, and said New York Rapid Transit Cor-

poration, providing for the performance of the work as ordered by said resolution of September 7, 1923 aforesaid, and has recommended the approval of said proposed agreement, which proposed agreement is in form heretofore approved by the Corporation Counsel of the City of New York,

Resolved, That said proposed agreement so submitted be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment.

Further Resolved, That if and when said appropriation of \$282,000 aforesaid is made by the Board of Estimate and Apportionment, the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed agreement in the form hereby approved.

1305—R. T. 7536

Route No. 8, Sections Nos. 1 to 5—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Cutting Chases in Concrete Floor, under Contract for Installation of Tracks—Approval Resolution

A report was presented from the Chief Engineer, dated September 15, 1923, recommending the establishment of a supplementary schedule item as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item No. 3000 of the contract dated October 25, 1922 between the City of New York acting by the Commission and the T. H. Reynolds Contracting Company, Inc., for the installation of tracks for the 14th Street-Eastern Line, Route No. 8, Sections 1 to 5 inclusive, having subject to the approval of the Commission agreed with the said contractor upon the following lump sum price:

Item No. 3-X For cutting five chases in the concrete floor in the area in which the concreting of tracks will be omitted due to the decision to reconstruct the subway structure in order to install a cross-over, the lump sum of \$250.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1306—R. T. 7681

Contract No. 3—Application by McHarg-Barton Company for Permission to Substitute Bond in Place of Certified Check Deposited with Bid for Enclosures to Third Addition to Shops at Lenox Avenue and 148th Street Yard—Report by Counsel Recommending that Check Be Returned to Contractor—Approval Resolution

An application was presented from McHarg-Barton Company dated September 20, 1923, requesting permission to substitute a surety bond in place of the certified check in the sum of \$10,000 deposited with its bid on September 10, 1923, for construction of Enclosure to the Third Addition to Shops at the Lenox Avenue and 148th Street Yard.

A report was presented from Counsel dated September 21, 1923, recommending that the certified check be returned to the Contractor without requiring it to incur an additional expense in substituting a bond therefor.

The following resolution was adopted:

Resolved, That the Secretary of this Commission be and hereby is authorized and directed to return to McHarg-Barton & Co. its certified check deposited with its bid for the construction of enclosures, third addition to shops at the Lenox Avenue and 148th Street Yard (Contract No. 3) and to take proper receipt therefor.

1307—R. T. 7684, 7653

Agreement "CN" and "CO"—Application by John Riches, Second Lowest Bidder, for Return of Certified Checks Deposited with Bids for Changes in Structure at Broadway and 32nd Street and for Miscellaneous Drainage and Sewer Construction—Approved

An application was presented from John Riches dated September 22, 1923, requesting the return of the certified checks in the sum of \$300. each, deposited with his bids on August 17, 1923 for changes in the subway structure at Broadway and 32nd Street and for the construction of a ventilation flue, Agreement "CN," and on September 10, 1923, for miscellaneous drainage and sewer construction, Agreement "CO". Upon motion duly seconded and adopted the application was approved.

1308—R. T. 7583

Contract No. 4—Report by Chief Engineer as to Receipt of Bid of Charles S. Voorhies for Making Surveys for Coney Island Storage Yard and Recommendation for Acceptance of Same—Approved

A report was presented from the Chief Engineer dated September 21, 1923, advising of the receipt of a bid on September 20, 1923, from Charles S. Voorhies, in the sum of \$275, which was the only bid received, for making surveys for the proposed Coney Island Storage Yard, and recommending that his bid be accepted and that he be instructed to make the survey in the vicinity of Shell Road and Avenue "X", Borough of Brooklyn.

Upon motion duly seconded and adopted, the report was approved, and the matter was referred to the Chief Clerk, for the issuance of a purchasing agent's order for the performance of the work.

1309—R. T. 6243

Fourth Avenue Subway—Report by Real Estate Clerk Recommending Acceptance of Adjustment by Insurance Companies for Damage to Property at No. 77 Rockwell Place, Borough of Brooklyn, and for Acceptance of Proposal for Repairs to Premises—Approval Resolution

A report was presented from the Real Estate Clerk, dated September 24, 1923, recommending acceptance of the adjustment made by the insurance companies in the sum of \$1,823.90, for damage due to fire in premises at No. 77 Rockwell Place, Borough of Brooklyn, and recommending also the acceptance of the bid of Kreps & Nezold, Inc., in the sum of \$1,098, for making repairs to the premises.

The following resolution was adopted:

Whereas, The Commission by resolution dated February 27, 1923, authorized the Real Estate Clerk, subject to approval of Counsel, to adjust with the several insurance companies the amount of damage due to a fire which occurred at No. 77 Rockwell Place, Borough of Brooklyn, on February 25, 1923; and

Whereas, The Real Estate Clerk by report dated September 24, 1923, states that an estimate of the damage done to the premises was made by himself and R. H. Peppmuller, Assistant Designing Architect of the Commission's staff, in the net total amount of \$1611.00, to which was added for omissions, contingencies, etc., \$241.65, making a total estimated cost of repairs amounting to \$1,852.65; that he has adjusted the damages as follows:

The Home Insurance Company of New York.....	\$280.60
Union Assurance Society, Ltd., of London, England.....	701.50
North British & Mercantile Insurance Company, Ltd.....	841.80

Total \$1,823.90

and that the aforementioned insurance companies have presented in payment of damages drafts to the order of The City of New York or the Transit Commission in the amounts aforesaid, recommending that the proposed settlements with the several insurance companies be approved and that the proper endorsements constituting releases of the several claims against the said insurance companies be authorized, in which recommendations Counsel has concurred; and

Whereas, The Real Estate Clerk in the aforesaid report advises that the premises at No. 77 Rockwell Place, Borough of Brooklyn, may be seriously damaged by the elements; that he has received a number of bids for the work of restoring the premises to as good condition as existed before the occurrence of the fire, as aforesaid, the lowest of which was by Kreps & Nezold, Inc., of 47 Wooster Street, New York City, in the sum of \$1,098.00, recommending that the Secretary be authorized to execute a contract with the said Kreps & Nezold, Inc., to contain specifications and other terms satisfactory to Counsel, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid adjustments or settlements with the aforesaid insurance companies and authorize endorsements of the drafts offered by the said insurance companies, as aforesaid, in form to constitute releases to the said insurance companies; and it is further

Resolved, That the Secretary be, and he hereby is, authorized and directed to execute a contract with the aforesaid Kreps & Nezold, Inc., to repair all damages done by the said fire, for the sum of \$1,098.00, such contract to contain such specifications and other terms and conditions as shall be approved by Counsel.

1310—R. T. 6761, 7103

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Telephone Cable for 148th Street and Lenox Avenue Yard—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated September 11, 1923, requesting approval of a proposed purchasing agent's order directed to the Standard Underground Cable Company for 20,000 feet of paper insulated lead covered telephone cable to be used for the service and administration buildings at the 148th Street and Lenox Avenue Yard, at a total cost of \$10,500.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated September 17, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad and any excess to be charged to Operating Materials and Supplies Account.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated September 11, 1923, has requested the approval of this Commission to the placing of a purchasing agent's order dated September 11, 1923, directed to the Standard Underground Cable Company, for the following:

“20,000 feet 100 pair, No. 19 B & S gauge, paper insulated, lead covered, telephone cable, W. E. Co. type T. B.
 Price—\$525 per thousand feet, f. o. b. cars, Lehigh Valley Railroad, Perth Amboy, N. J., including car-load freight allowance to 128th Street and Second Avenue Total \$10,500
 To be delivered January 1, 1924.

which proposed purchasing agent's order has been caused to be designated as “Approval No. 491”; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated September 17, 1923, have reported that the telephone cable is to be used for the service and administration buildings of the 148th Street and Lenox Avenue Yard of the Railroad as described in said Contract No. 3, and that the following bids were received for such material:

	Price per 1000 Ft.
Standard Underground Cable Co.....	\$525.00
Western Electric Co.	548.00

that the award is to the lowest bidder; that the quality of cable proposed to be purchased is necessary for the purpose; that the price is reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated September 22, 1923, has recommended that the cost of such material, in so far as it is necessary for original installation, be charged to Equipment of the Railroad and that the excess, if any, be charged to Operating Materials and Supplies Account.

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved; and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order; the cost of the material, under said proposed purchasing agent's order hereby approved to be charged, in so far as it is used for original installation, to Equipment of the Railroad, and the excess, if any, shall be charged to Operating Materials and Supplies Account.

1311—R. T. 6449

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Contract for Sale of Premises at Broadway and Eastern Parkway, Borough of Brooklyn—Reports of Real Estate Clerk and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated July 26, 1923, requesting approval of a proposed contract with the Tram Realty Company, Inc., covering the sale of certain premises at the intersection of Broadway and Eastern Parkway, Borough of Brooklyn, the company reserving an easement across the property, at the sale price of \$35,000.

A report was presented from the Real Estate Clerk, dated September 17, 1923, recommending that the application be approved.

A report was presented from the Chief Engineer, dated September 20, 1923, stating that the contract is satisfactory from an engineering standpoint.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, by J. H. Bennington, Real Estate and Tax Agent, with communication dated July 26, 1923, has submitted for the approval of this Commission a copy of an executed contract of sale dated July 17, 1923, between said New York

Rapid Transit Corporation and the Tram Realty Co., Inc., agreeing to convey certain premises at the intersection of Broadway and Eastern Parkway in the Borough of Brooklyn, City of New York, reserving an easement across said property as in said contract more particularly set forth, the selling price being \$35,000, payable, \$2,500 on the signing of the contract, \$8,000 in cash on the delivery of the deed and three separate purchase money bonds and mortgages aggregating the sum of \$24,500, payable on or before three years, with interest thereon at the rate of 6% per annum semi-annually; and

Whereas, The Real Estate Clerk of this Commission, by communication dated September 17, 1923, has, for the reasons therein more particularly set forth, recommended the approval of said proposed contract; and

Whereas, The Chief Engineer of this Commission, by communication dated September 20, 1923, has advised this Commission that said contract is satisfactory from an engineering standpoint; and

Whereas, Counsel to this Commission has examined said contract and finds no objection thereto,

Resolved, That said contract as submitted aforesaid be and the same hereby is approved.

1312—R. T. 6449

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Contract for Sale of Premises Adjoining Right of Way of Sea Beach Line, between 62nd Street and 15th Avenue, Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated August 4, 1923, requesting approval of a proposed contract with Frank Colucci, covering the sale of certain vacant property adjoining the right of way of the Sea Beach Line, between 62nd Street and 15th Avenue, Borough of Brooklyn, at the selling price of \$10,500.

A report was presented from the Real Estate Clerk, dated September 17, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, J. H. Bennington, Real Estate & Tax Agent for New York Rapid Transit Corporation, has made application under date of August 4, 1923, for approval pursuant to the provisions of Contract No. 4 of a contract between the New York Rapid Transit Corporation, as Vendor, and Frank Colucci, as Vendee, covering the sale of certain vacant property originally acquired for purposes of the Sea Beach Line right of way located adjoining the easterly side of that right of way between 62nd Street and 15th Avenue, Borough of Brooklyn, for the sum of \$10,500 upon certain terms as set forth in a form of contract accompanying said application; and

Whereas, The Real Estate Clerk has reported under date of September 17, 1923, that the assessed valuation for the said vacant premises aggregates \$3,725 and that in his judgment the property is worth about \$8,000, recommending that the said contract be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid contract, and that the Secretary be, and he hereby is, authorized and directed to transmit a copy of this resolution to the said J. H. Bennington.

1313—R. T. 6555

Rapid Transit Railroads—Proposed Agreement with Pennsylvania Railroad Company Extending Term of Lease for Greenville Yard for Period of One Year from September 30, 1923—Approval Resolution

The following resolution was adopted:

Whereas, Counsel has submitted to this Commission a proposed form of agreement between The City of New York, acting by the Transit Commission, and the Penn-

sylvania Railroad Company, extending for a period of one year from September 30, 1923, a certain Indenture of Lease dated September 9, 1913, between the New York Bay Railroad Company and the City of New York, acting by the Public Service Commission, for a certain parcel of land situate in Jersey City, Hudson County, State of New Jersey; and

Whereas, The said proposed agreement has been approved by the Chief Engineer of the Commission,

Resolved, That said proposed agreement so submitted be and the same hereby is approved and that the Chairman and Secretary of the Commission be and they are hereby authorized and directed to execute the same.

1314—Case 2203

New York and Long Island Traction Company—Service on Brooklyn-Mineola Division—Suspension Order Adopted

The Secretary presented a communication, dated September 19, 1923, from L. C. Andrews, General Manager of the New York and Long Island Traction Company, requesting a rescission of the Commission's Order in Case No. 2203, adopted May 16, 1917, requiring certain service on the Brooklyn-Mineola Line of the New York and Long Island Traction Company.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2203, denying the application of the New York and Long Island Traction Company to rescind the Order therein adopted May 16, 1917, and suspending said Order of May 16, 1917, until further order of the Commission.

1315—Case 2690

New York and Queens County Railway Company et al.—Annual Reports—Extension Order Adopted

The Secretary presented a communication, dated September 24, 1923, from L. C. Andrews, Receiver of the New York and Queens County Railway Company and General Manager of the New York and Long Island Traction Company and the Long Island Electric Railway Company, requesting an extension of time of sixty days within which to file annual reports as required by the Commission's Order in Case No. 2690.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, extending the time of said Receiver of the New York and Queens County Railway Company to November 29, 1923; and said General Manager of the New York and Long Island Traction Company to November 14, 1923, and to said General Manager of the Long Island Electric Railway Company to October 30, 1923.

1316—Case 2690

Richmond Light & Railroad Company—Annual Reports—Extension Order Adopted

The Secretary presented a communication, dated September 21, 1923, from James E. Phillips, Assistant Treasurer of the Richmond Light & Railroad Company, requesting an extension of time of sixty days within which to file company's annual report as required by the Commission's Order in Case No. 2690.

The Secretary also presented a report, dated September 25, 1923, from H. S.

Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending an extension of time to October 30, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, granting the Richmond Light & Railroad Company an extension of time to October 30, 1923, within which to file its annual report.

1317—Case 2628

New York Rapid Transit Corporation—Service and Equipment—Order Approving Train Schedules on West End and Brighton Beach Lines Adopted

The Secretary presented a communication, dated September 21, 1923, from W. S. Menden, President of the New York Rapid Transit Corporation, submitting among other schedules, schedules for the operation of the West End and Brighton Beach Lines as required by the Commission's Order "A" in Case No. 2628, adopted July 13, 1922. The Acting Chief Executive Officer stated that he had approved the West End and Brighton Beach schedules.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2628, approving train schedules Nos. 3 and 4, affecting the West End and Brighton Beach Lines of the New York Rapid Transit Corporation, effective as of September 24, 1923, and directing that said corporation shall on and after said date furnish and operate the service on said lines pursuant to the said train schedules and further directing that said Order shall take effect nunc pro tunc as of September 24, 1923.

1318—Case 2693

Union Railway Company of New York City—Resumption of Operation of Morris Park Avenue Line—Order Extending Company's Time to Realign Tracks Adopted

The Secretary presented a communication, dated September 20, 1923, from Garrow T. Geer, Secretary of the Union Railway Company of New York City, requesting an extension of time of two months within which to realign tracks on its Morris Park Avenue Line as required by the Commission's Order in Case No. 2693, adopted August 28, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2693, extending the time of the Union Railway Company of New York City within which to complete the realignment of its tracks on Morris Park Avenue as required by Paragraph 2 of the Order therein adopted August 28, 1923.

1319—Case 2696

South Brooklyn Railway Company—Application for Permission to Purchase Stock of Prospect Park and South Brooklyn Railroad Company et al. and for Approval of Merger—Statement by Secretary of Execution of Certificate of Merger—Motion Adopted Directing that Statement Be Spread on the Minutes

The Secretary stated that on September 19, 1923, Acting Chairman Harkness and the Secretary had executed the Certificate of Merger of the South Brooklyn Railway

Company, the Prospect Park and South Brooklyn Railroad Company, The New York & Coney Island Railroad Company and the Prospect Park & Coney Island Railroad Company, as authorized by the Commission's Order in Case No. 2696, adopted September 14, 1923.

Thereupon on motion duly seconded and unanimously carried the foregoing statement of the Secretary was directed to be spread on the minutes of the Commission.

1320—S. P. 752

Union Railway Company of New York City—Application for Permission to File on Short Notice New Tariff Providing for the Resumption of Service on Its Boston Road-Morris Park Avenue Line—Special Permission Approved

The Secretary presented a communication, dated September 20, 1923, from the Union Railway Company of New York City requesting permission to put into effect immediately after publication new tariff providing for the resumption of service on its Boston Road-Morris Park Avenue Line effective September 24, 1923.

The Secretary also presented his report, dated September 22, 1923, recommending the granting of the application.

Thereupon the Commission approved and ordered filed Special Permission No. 752, granting the desired permission.

1321—R. T. 7367

Routes Nos. 35 & 67—Receipt from Department of Finance for Check in Sum of \$6,500 Deposited by Buckley-Newhall Company as Payment for Changes in Ventilating Grating in Front of the Premises at No. 102 West 41st Street, Borough of Manhattan—Filed

The following receipt was ordered filed:

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
BUREAU OF ACCOUNTANCY
Division of Receipts

September 22, 1923.

Received from Transit Commission check of Buckley-Newhall Company for six thousand five hundred 00/100 Dollars (\$6,500).

Particulars

Estimated cost of a subway ventilating chamber in front of premises No. 102 West 41st Street, Manhattan.

To be credited to account known as S 915B—*Deposited by the Buckley-Newhall Co. to provide for payment to Powers-Kennedy Contracting Corporation of the cost of constructing a subway ventilating chamber in front of premises No. 102 West 41st Street, Borough of Manhattan, located on Routes Nos. 35 & 67 of the Queensboro Subway—Contract No. 3—pursuant to agreement dated September 12, 1923.*

For Comptroller,

H. H. RATHYEN,
Auditor of Receipts.

1322—R. T. 6761

Contract No. 3—Letter from Interborough Rapid Transit Company Transmitting Copy of Contract for Rotaries and Transformers for Substations Nos. 11 and 12—Filed

The Commission ordered filed a letter from the Interborough Rapid Transit Company dated September 13, 1923, transmitting a copy of a contract dated

February 28, 1923, with the Westinghouse Electric & Manufacturing Company for two 4,000 K.W. rotaries and transformers for Substations Nos. 11 and 12.

1323—R. T. 6761

Contract No. 3—Letter from Interborough Rapid Transit Company Transmitting Copy of Contract for Four Boilers and Three Superheaters for 59th Street Power Station—Filed

The Commission ordered filed a letter from the Interborough Rapid Transit Company dated September 13, 1923, transmitting a copy of a contract dated January 11, 1923, with Babcock & Wilcox Company for four 1140 H.P. boilers and three superheaters for the 59th Street Power Station.

1324—R. T. 6761

Contract No. 3—Letter from Interborough Rapid Transit Company Transmitting Copy of Contract for Four Stokers for 59th Street Power Station—Filed

The Commission ordered filed a letter from the Interborough Rapid Transit Company dated September 14, 1923, transmitting a copy of a contract dated December 13, 1922, with the American Engineering Company for four stokers for the 59th Street Power Station.

1325—R. T. 7618

Routes Nos. 18 and 31—Letter from Interborough Rapid Transit Company, Transmitting Copies of Contracts for Steam Heating Systems for the Inspection Shed and Oil House in the 180th Street Yard and in the Livonia Avenue Yard—Filed

The Commission ordered filed a letter from the Interborough Rapid Transit Company, dated September 20, 1923, transmitting copies of two contracts dated June 11, 1923, with Almirall & Company, Inc., for steam heating systems for the inspection shed and oil house in the 180th Street Yard—Route No. 18, and in the Livonia Avenue Yard—Route No. 31.

1326

Lease—Proposed Lease with United Cigar Stores Company for Three Rooms on Second Floor of Premises at No. 441 East Tremont Avenue, Borough of The Bronx—Approval Resolution

The following resolution was adopted:

Resolved, That the proposed lease dated the 7th day of September, 1923, from the United Cigar Stores Company of America, to this Commission of three (3) connecting rooms at the northwest corner of the second floor of the building known as No. 441 East Tremont Avenue, in the Borough of The Bronx, City of New York, to be occupied as an office of the Commission for a term commencing October 1, 1923 and ending September 30, 1924, at the annual rental of nine hundred dollars (\$900) payable in equal monthly payments in advance on the first day of each and every month during the said term and subject to the terms and conditions as are more particularly set forth in said proposed lease, be and the same hereby is approved; and that the Chairman and Secretary of this Commission be and they hereby are authorized and directed for and on behalf of the Commission to execute and deliver the same.

1327

Fees Received during August, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of August, 1923, fees, etc., to the amount of \$127.56 and refunds of rental from rapid transit real estate to the amount of \$4,025, had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$127.56 to be accredited to the General Fund of The City of New York and the sum of \$4,025 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

1328

Employees' Calendar No. 166

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—John P. Byrne, engineering inspector, at \$150.08 per month, to take effect September 24, 1923.

Appointment under Rule VIII:4—Frank Brancato, junior assistant, at \$125.08 per month, to take effect September 24, 1923; George D. Chittick, junior assistant, at \$125.08 per month, to take effect September 24, 1923; Frederick H. Cornell, junior assistant, at \$125.08 per month, to take effect September 20, 1923; Benjamin Wang, junior clerk, at \$60.00 per month, to take effect September 18, 1923; John G. Yoerges, architectural draftsman, at \$150.08 per month, to take effect September 18, 1923.

Reinstatement under Rule XVI:1—Joseph J. Garlan, inspector of lumber, at \$165.00 per month, to take effect September 24, 1923.

Transferred from State Commission of Highways—George D. Fraser, Jr., junior assistant, at \$125.08 per month, to take effect October 15, 1923.

Resignations—John P. Byrne, junior assistant, at \$152.50 per month, to take effect September 23, 1923; Willard J. Carmel, draftsman, at \$150.08 per month, to take effect September 22, 1923; Americus D'Atri, junior assistant, at \$125.08 per month, to take effect September 26, 1923; Stephen G. DeMahy, draftsman, at \$150.08 per month, to take effect September 22, 1923; R. K. Diamond, draftsman, at \$150.08 per month, to take effect September 19, 1923; Arthur K. Drake, junior assistant, at \$125.08 per month, to take effect September 22, 1923; George Jacknowitz, junior assistant, at \$125.08 per month, to take effect September 17, 1923; Samuel Kahn, draftsman, at \$150.08 per month, to take effect September 15, 1923; Harry Lee, junior assistant, at \$125.08 per month, to take effect September 22, 1923; Solomon Michels, draftsman, at \$180.00 per month, to take effect October 10, 1923; Rafael Pacheco, junior assistant, at \$125.08 per month, to take effect September 22, 1923; Roscoe E. Robins, junior assistant, at \$125.08 per month, to take effect September 26, 1923; Maxwell Schantz, draftsman, at \$150.08 per month, to take effect September 24, 1923; I. C. Shafer, junior assistant, at \$125.08 per month, to take effect September 26, 1923; John R. Turner, junior assistant, at \$125.08 per month, to take effect September 24, 1923.

Rescission of Appointment under Rule VIII:9—Granville W. Pullis, assistant photographer, at \$125.00 per month, to take effect September 28, 1923.

Rescission of Termination of Appointment under Rule VIII:4—Roland I. McAuliffe, engineering inspector, at \$150.08 per month, to take effect September 28, 1923; Granville W. Pullis, assistant photographer, at \$125.00 per month, to take effect September 27, 1923.

Change of Item in Resolution of September 18, 1923, Concerning Wm. J. Broderick so as to Read as Follows—(Resignation)—Wm. J. Broderick, junior assistant, at \$125.00 per month, to take effect September 23, 1923.

Leave of Absence with Pay—Edgar T. Hurley, junior electrical engineer, from September 4, 1923, to September 17, 1923.

Leave of Absence without Pay—Grace M. Miller, accountant, from July 1, 1923, to September 12, 1923.

1329

Voucher Schedule No. 39

The following resolution was adopted:

Resolved. That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos. 895-936, open market orders, \$2,046.21; Vouchers Nos. 489-500, miscellaneous bills, \$1,618.33; Vouchers Nos. 22-23, special payroll, \$2,050.00.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Railroads for the Periods Indicated Below:

Voucher No. 247; Jobson-Gifford Company; approximate estimate No. 3 for making changes in steel work at the easterly approach to the Queensboro Plaza Station, Routes Nos. 36 and 37, Section No. 1, from August 1, 1923 to August 31, 1923 (R. T. 6431) \$15,729.32;

Voucher No. 248; McClintic Marshall Company; approximate estimate No. 1 for furnishing and erecting structural steel for third addition to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from March 14, 1923 to September 15, 1923 (R. T. 7590) \$11,032.42;

Voucher No. 249; Jacob Schlesinger, Inc.; approximate estimate No. 14 for construction of a second addition to shops at Lenox Avenue and 148th Street Yard, under Contract No. 3, from August 16, 1923 to September 15, 1923 (R. T. 7368) \$6,638.95.

1330

Upon motion duly seconded and adopted, the meeting was adjourned to Friday, September 28, 1923, at 11:00 A. M.

1331

Hearing

The following hearing was held:

11:30 A. M.: Case No. 2699; Manhattan Bus Corporation; Application for certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan, City of New York. Chairman McAneny and Commissioner O'Ryan presided. Adjourned to October 2, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, September 26, 1923

1332

Hearing

The following hearing was adjourned:

Cases Nos. 2697 and 2698; Interborough Rapid Transit Company and New York Rapid Transit Corporation; Hearing on Motion of the Commission as to the con-

struction, apparatus, equipment, facilities or devices used or to be used in connection with the transportation of passengers and property with particular reference to the installation of an experimental one mile of block signals on the local tracks of the elevated portions of the lines of said companies. Hearing adjourned by direction of the Commission to October 3, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, September 27, 1923

1333

Hearings

The following hearing was adjourned:

11 A. M.; R. T. 4007; Lengthening of platforms at local stations, Contract No. 1. Adjourned to October 29, 1923, at 11 A. M.

The following hearing was held:

11:10 A. M.; Case No. 2700; The Staten Island Rapid Transit Railway Company and The Staten Island Railway Company; Hearing on Motion of the Commission as to the regulations, practices, equipment, appliances and service of said companies in respect to the transportation of persons and property within the City of New York. Chairman McAneny presided. Adjourned subject to call.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, September 28, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1334—R. T. 7645

Agreement "CS"—Receipt of Bids for Construction of Duct Line at 239th Street Yard—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of a railroad duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Agreement "CS," had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the nine bids received. The bids were then referred to the Chief Engineer.

1335—R. T. 7645

Agreement "CS"—Resolution Authorizing Release of Checks to All But Lowest and Next to Lowest of Bidders for Construction of Duct Line at 239th Street Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer, as to the bids received on September 28, 1923, for the construction of a railroad duct line at the 239th Street Yard, Agreement "CS", the Secretary be and he hereby is, authorized and directed to return to all except the lowest and next to lowest of the bidders, the certified checks in the sum of Three Hundred (\$300.00) Dollars, each, deposited with their bids.

1336—R. T. 7684

Agreement "CO"—Report by Chief Engineer Explaining Reasons for Inclusion of Cost-plus Items in Proposed Contract for Miscellaneous Drainage and Sewer Construction—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated September 25, 1923, reporting in detail as to reasons for inclusion of cost-plus items in the proposed contract with Frank Persicano, for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, so as to give the Board of Estimate and Apportionment additional information in connection with the requisition submitted to the Board of Estimate and Apportionment on September 12, 1923.

The following resolution was adopted:

Whereas, This Commission by communication dated September 12, 1923 submitted to the Board of Estimate and Apportionment, for its consent, proposed contract to be entered into between The City of New York, acting by the Transit Commission and Frank Persicano, (Agreement "CO"), for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, City of New York, and also made requisition upon the Board of Estimate and Apportionment for the sum of seventeen thousand seven hundred (\$17,700) dollars, estimated to be necessary to meet the obligations of the City under said proposed contract, included in which sum was the item of eleven hundred and twenty-one (\$1121) dollars, for work to be performed on a cost-plus basis, and as to which the Representative of the Board of Estimate and Apportionment has requested more detailed information; and

Whereas, The Chief Engineer of this Commission by communication dated September 25, 1923, has reported in complete detail the necessity for the performance of such work on a cost-plus basis and the basis of the estimate of eleven hundred and twenty-one (\$1121) dollars; and

Whereas, Counsel has prepared and submitted a communication to the Board of Estimate and Apportionment, supplementing the requisition of September 12, 1923, so as to give to said Board the additional information so requested and has recommended its adoption and transmission to the said Board of Estimate and Apportionment,

Resolved, That the said detailed report of the Chief Engineer dated September 25, 1923, addressed to Commissioner Harkness with respect to the said eleven hundred and twenty-one (\$1121) dollars, and the reason therefor, be and the same hereby is approved and that the form of communication so submitted by Counsel be and the same hereby is approved and that it be transmitted to the said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment as authorized by the above resolution, was as follows:

September 28, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Under date of September 12, 1923, the Transit Commission transmitted to your Honorable Board for its consent, proposed contract to be entered into between The City

of New York, acting by the Transit Commission, and Frank Persicano, for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, City of New York, (Agreement "CO"), in municipal rapid transit railroads, and in said communication made requisition upon your Honorable Board for the appropriation of the sum of seventeen thousand seven hundred (\$17,700) dollars, being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

The amount of such requisition was the sum total of sixteen thousand five hundred and seventy-nine (\$16,579) dollars, being the amount of the low bid, plus the additional sum of eleven hundred and twenty-one (\$1,121) dollars, estimated to be necessary for work to be performed on the basis of cost plus a percentage, including the work of converting a cesspool where a sewer is to be substituted and other minor repairs to sewers and other work, which cannot be accurately estimated.

Request has been made for a more detailed explanation as to how the said sum of eleven hundred and twenty-one (\$1121) dollars, was arrived at.

In a letter dated September 25, 1923, the Chief Engineer of this Commission has reported to Commissioner Harkness, which report has been approved by this Commission, as follows:

"The purpose of this memorandum is to explain how the amount of \$1121 for Item No. 150 work requested of the Board of Estimate in connection with Agreement "CO" was arrived at. Mr. Read, Assistant Engineer of the Board of Estimate, recently discussed this with you.

A total of \$17,700 was requested of the Board of Estimate by this Commission on September 12, 1923, for the performance of all the work included in Agreement "CO." Of this amount \$16,579 was the summation of the low bidders figures. In addition it was estimated that \$1121 might be required for Item No. 150 work as follows:

(a) work and materials required in connection with converting the existing cesspool at Hunters Point Avenue Inspection Shed into an ejector pit \$300.

(b) Miscellaneous minor repairs to sewers on Sections 1 and 1B, Route 12, Flatbush Avenue, Brooklyn, \$500.

(c) Unforeseen contingencies, \$321, being about 2% of the bid prices.

(a) It was estimated that \$300 might be required to clean out the existing cesspool at Hunters Point Avenue Inspection Shed to determine whether it is in good condition, and if so to convert such cesspool into an ejector pit for the installation of ejectors by the Operating Company to pump the sewage into a nearby sewer. At present the pit is used as a cesspool to receive sewage from the station toilets and the contents of the pit are emptied by the Operating Company's scavengers as often as may be required. This is unsanitary and unsatisfactory.

The use of the existing pit for the installation of ejectors would be a considerable saving to the City as against the construction of a new pit. Since the amount of the work and materials required to convert the existing pit cannot be ascertained definitely until the pit is cleaned out, it was deemed advisable to do this work at cost-plus.

(b) The term "repairs to sewers" used in this connection may give a wrong impression. "Completion of sewers" might have been preferable. Various pieces of work, estimated to cost about \$500, are contemplated to be done under this heading, consisting of approximately eighteen minor jobs which were never originally done. In connection with the subway contracts, Sections 1 and 1B, Route 12, Flatbush Avenue, Brooklyn, considerable sewer work was done by this Commission, and after these contracts were completed and the subway contractors paid for the work, an investigation conducted by the Bureau of Sewers revealed a number of small incompleting construction items, such as, a few missing bricks, a projecting pipe within the sewer, forms and scaffolding not removed and other minor defects. The largest item of this group is completion of an unfinished manhole.

The Commissioner of Public Works of Brooklyn refused to accept these sewers for future maintenance unless the foregoing defects were remedied. This Commission stated that it would endeavor to do so in a future "Odds and Ends"

contract. Accordingly we have included the correction of these defects in Agreement "CO," to be done at cost-plus under Item No. 150, as the nature of the work is such that any unit or lump sum bid price would probably be excessive and the work could be done more cheaply at cost-plus.

The title of Subdivision 15 on page 56 of Agreement "CO" is "Repairs to Sewers." It was explained to Mr. Read, and it should be clear from the text, though not specifically mentioned in the Agreement, that the work included under this heading was the correction of defects left in the sewers upon the completion of subway work.

(c) \$321 was estimated as required to perform work of an unforeseen nature which amount represents about 2% of the bid prices. This is desirable as the bid is made up of a number of lump sum items and hence made no allowance for contingencies."

It is believed that the foregoing data will supply the information desired. If not, the Commission will gladly supply such further detail as may be necessary.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1337—R. T. 6896

Route No. 8, Section No. 6—Communication from Board of Estimate and Apportionment Requesting Expedition of Plans for Extension of Fourteenth Street-Eastern Line as Subway from Meserole Street to East New York—Referred to Chairman

The following communication from the Board of Estimate and Apportionment was referred to the Chairman:

September 26, 1923.

The TRANSIT COMMISSION,
49 Lafayette Street,
New York, N. Y.
Sirs:

At the meeting of the Committee of the Whole of this Board on September 17, 1923 (Cal. No. T-5), the Secretary was directed to request the Transit Commission to expedite their plans for the extension of the 14th street line as a subway from Meserole Street, Brooklyn, to East New York.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

1338—R. T. 7592

Route No. 11-B, Section No. 3—Report by Chief Engineer Advising of Request of New York Rapid Transit Corporation for Inclusion of Three Additional Storage Tracks in Proposed Extension of Fourth Avenue Subway and Recommending that Request Be Not Considered—Approved

A report was presented from the Chief Engineer dated July 21, 1923, advising of a request from the New York Rapid Transit Corporation dated June 20, 1923, for the inclusion of three additional storage tracks in the proposed extension of the Fourth Avenue Subway from 85th Street to 95th Street, Borough of Brooklyn, and recommending that he be authorized to advise the New York Rapid Transit Corporation that the three additional storage tracks will not be considered and that the extension will be constructed in accordance with the contract drawings already approved.

Upon motion, duly seconded and adopted, the report was approved.

1339

Lease—Report by Real Estate Clerk as to Proposed Lease of Seventh Floor of Building at No. 54-60 Lafayette Street, Borough of Manhattan—Approved

A report was presented from the Real Estate Clerk dated September 27, 1923, as to his investigation of additional space required for the Division of Designs and stating that a five-year lease of the seventh floor of the building at No. 54-60 Lafayette Street, Borough of Manhattan, at an annual rental of \$10,000, is most desirable, which report was endorsed by the Chief Clerk stating that such lease would be advisable. On motion duly seconded and adopted it was directed that a lease be entered into and a provision be made if possible for the privilege of cancellation at the termination of the fourth year.

1340—R. T. 6960, 7235, 7354

Contract No. 3 and Elevated Extension Certificate—Proposed Stipulation with Interborough Rapid Transit Company Extending Time to October 31, 1923, within Which to Agree upon Successor to Hon. Luke D. Stapleton as Third Arbitrator in Proceedings with Respect to Operating Expenses and Classification and Amount of Depreciation—Approved

The Commission approved a proposed stipulation with the Interborough Rapid Transit Company extending to October 31, 1923, the time of the Commission and the Interborough Rapid Transit Company within which to agree upon a successor to the late Hon. Luke D. Stapleton as the third member in the two pending proceedings, the first having to do with objections dated November 24, 1920, and January 28, 1921, of the Transit Construction Commissioner with respect to certain operating expenses and the second having to do with the classification and amount of depreciation and excess maintenance under Contract No. 3 and the extension certificate from January 1, 1919, to June 30, 1920.

1341—Case 2690

Eighth Avenue Railroad Company et al.—Annual Reports—Extension Orders Adopted

The Secretary presented a communication, dated September 24, 1923, from the Fifth Avenue Coach Company asking for an extension of time to October 7, 1923, within which to file its annual report as required by the Commission's Order in Case No. 2690. The Secretary also presented a report, dated September 26, 1923, by H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending the granting of said application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, granting the desired extension of time to October 7, 1923.

The Secretary also presented a communication, dated September 25, 1923, from the Eighth Avenue Railroad Company requesting an extension of time of thirty days within which to file its annual report as required by the Commission's Order in Case No. 2690. The Secretary also presented a report, dated September 27, 1923, by

H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending an extension of time to October 15, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, granting the Eighth Avenue Railroad Company an extension of time to October 15, 1923, within which to file annual report.

The Secretary also presented a communication, dated September 24, 1923, from Lindley M. Garrison, as Receiver of the New York Consolidated Railroad Company and the New York Municipal Railway Corporation, and by the New York Rapid Transit Corporation requesting an extension of time to November 1, 1923, within which to file annual reports as required by the Commission's Order in Case No. 2690. The Secretary also presented a report, dated September 28, 1923, by H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting and Valuations, recommending the granting of the aforesaid application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, granting the above mentioned Receiver and Company an extension of time to November 1, 1923, within which to file said annual reports.

1342—Case 2695

Interborough Rapid Transit Company—Alteration and Reconstruction of 33rd Street Station on Lexington-Fourth Avenue Line from a Local to Express Station—Opinion by Commissioner O'Ryan Approved, Concurring Memoranda by Chairman McAneny and Commissioner Harkness Approved—Motion Adopted Postponing Further Action for One Year from October 1, 1923

The Secretary presented an Opinion in Case No. 2695, by Commissioner O'Ryan and concurring memoranda by Chairman McAneny and Commissioner Harkness, reading as follows:

September 23, 1923.

To the TRANSIT COMMISSION:

Case No. 2695.

This case presents the question whether the Commission should modify the subway station at 33rd Street and Fourth Avenue so as to make it an express stop in the operation of the East Side Subway. Public hearings were held in relation to this matter, beginning on July 10, 1923, terminating on September 6, 1923, during which opportunity was accorded all interested parties, including the Interborough Rapid Transit Company, to record their views in relation to the project.

As shown in the Minutes (page 12), the question presented in this case was at one time referred to me for consideration by the Commission. This was in the summer of 1922. After studying it in conference with the Engineers of the Commission, and based upon a knowledge of the physical conditions at the station, I concluded and recommended to the Commission that the station at 33rd Street should be remodelled as an express station (Minutes, pp. 11 and 12). The cost at that time was estimated to be \$1,000,000. The grounds for this recommendation were:

(a) That the change would be a logical development by concluding the quadrilateral of express stops provided for the heart of Manhattan Island by the Pennsylvania Station and the Times Square Station on the West Side and the Grand Central and the 33rd Street Stations on the East Side.

(b) The station as remodelled would add to the convenience of passengers coming from all sections of the city to the East 34th Street district.

(c) It would materially relieve the pressure at the Grand Central Station, particularly in relation to the numbers of people transferring between local and

express trains at that point, who would find it more convenient to effect the change at 33rd Street if the latter were an express stop.

Consideration of this report by the Transit Commission indicated a favorable attitude toward the project, but in view of the important operating questions involved, of some differences of technical opinion that might develop in relation to the probable results of the change upon the flow of transferring passengers across the platforms at the Grand Central Station, of the considerable sum of money involved in the work of remodelling, and of the legal rights of the operating company in relation to the imposition of its share of such expense, the Commission determined, before making a final decision in the matter, to hold the public hearings referred to.

The hearings developed the fact that business firms, corporations, and individuals in the 34th Street District strongly favored the proposal. Its advantages were stressed by Mr. Daniel Turner, Consulting Engineer of the Transit Commission. The Interborough Company objected to the proposed change upon the ground that from a passenger handling standpoint, the introduction of an express station at 33rd Street would create an almost impossible traffic situation (Minutes, page 17). This conclusion was based upon the argument that express trains during the rush hours are now heavily loaded leaving 14th Street northbound, and that if these trains were required to stop at 33rd Street to take on passengers from local trains who had boarded such local trains at 18th, 23rd and 28th Streets, as well as express passengers coming from the street to the 33rd Street Station, prior to an opportunity to discharge the substantial number of passengers on such express trains who would leave the same at the Grand Central Station, it would create an impossible situation at 33rd Street. Similarly, it was argued that conditions at the Grand Central during the morning rush hours in relation to southbound trains would be intolerable, and as well the conditions at 33rd Street, because of the fact that the passengers who now change from the express to the local at Grand Central would continue to 33rd Street. It was argued that by thus remaining on the express trains, they would prevent, to the extent of their number, passengers from the local trains boarding such southbound express trains at Grand Central. When such express trains reached the 33rd Street Station, it was claimed that the transfers at that point would develop an undesirable condition which would not in any way ameliorate the conditions at the Grand Central.

As I, and indeed the other members of the Commission, have been favorable to the project of remodelling 33rd Street as an express station, I shall not refer in detail to the numerous reasons advanced at the hearings by those interested in the proposal, but shall consider the merits of the objections made by the Interborough Company. Until the explanation made by the witness, Mr. Hedley (Minutes, pp. 315-323), it seemed to me that to whatever extent the transfer of passengers which now takes place at Grand Central Station could be made elsewhere, just to that extent would the conditions at the Grand Central Station be improved; and to improve the conditions in relation to crowding at the Grand Central Station is a most important objective, for that station constitutes the neck of the bottle in the operation of the East Side Subway. Trains cannot be operated on that line in any greater number per hour than they can be operated past the Grand Central Station. The delay is greater there than at any other station, due mainly to the fact that the track approaching the station is curved, and as well to the very much greater number of passengers making transfers there than at any other station on the line.

Mr. Hedley, in his testimony in support of the attitude of the Interborough Company, relied largely upon his experienced conclusions concerning the manner in which traffic would be affected if the change were made (Minutes, p. 313). He stated he was opposed to the change "because it will make the condition worse than it is now." Later, in examination by the Commissioner, Mr. Hedley's view was clearly brought out (Minutes, pp. 315-323). The witness pointed out that statistics show that the passengers transferring at 42nd Street from local to express trains balance in number the passengers transferring from express to locals. Mr. Hedley points out that this balance would no longer obtain if an express stop were provided at 33rd Street. His point is that during rush hours, passengers from local trains are enabled to board express trains at that point, and passengers from express trains are enabled to board local trains at that point, only because one group balances approximately the others. He is certain that if an express stop were provided at 33rd Street the local northbound passengers who now transfer to express trains at 42nd Street, would attempt to make the transfer at 33rd Street, but would be unsuccessful in their attempts to do so because a corresponding

number of the passengers who normally transfer from the expresses to the locals at Grand Central northbound, would not change their habits and transfer at 33rd Street, but would remain on the express trains in accordance with a fixed policy that express passengers in the City of New York do not transfer to locals until they have reached the last express stop preceding their local destination. Mr. Hedley also testified that the number of people who leave cars at the Grand Central Station and who do not transfer to other subway cars, but who go to the Grand Central Depot and to Times Square and to the street, far exceed in number those who change between express and local trains at that station (Minutes, p. 325; also Mr. Keegan's testimony, Minutes, pp. 89-92). Mr. Hedley claimed that it was this extraordinary feature of the transfers occurring at Grand Central Station which made for the balanced exchange of passengers at that point between local and express trains, and that this balanced condition would not obtain at 33rd Street if that were made an express stop (Minutes, p. 326).

Mr. Pegram, Chief Engineer of the Interborough Rapid Transit Company, testified that the proposed express station was impractical because the distance from the surface of the street to the tracks would be greater than at any other downtown station, this because the plans call for lowering the local tracks four feet, which would make a distance of 40 feet from the platform as proposed to the street surface at 34th Street. He gave it as his opinion that the cost of construction would be greater than for any work of its kind yet undertaken in subway construction (Minutes, pp. 331-33). The cost of reconstruction, he said, would be at least \$1,500,000 without reference to accidents. He advised against the project (Minutes, p. 339). Aside from fundamental objections, he also objected to some details of the plan as proposed (Minutes, pp. 350-55). Finally he characterized the proposal as "the worst that could be proposed" (Minutes, p. 364).

Colonel Murphy, Chairman of the Board of Directors of the Interborough Company, testified in relation to the financial side of the proposal as it would affect the lessee company. He pointed out (Minutes, p. 371) that the Transit Commission had recently ordered the Company to increase service in such a manner that a substantial increase in operating costs had resulted; that additional expense had been incurred in improving the elevated service; that the Commission had ordered the Company to purchase 250 new steel cars for the subway service, and that this item alone would involve an expenditure of \$6,000,000; that the Commission had further recently required power-house improvements and developments involving additional expense. He testified that in meeting these several demands, exclusive of the cost of the steel cars, the Company had appropriated all the money available for capital expenses during the current year and for the next year to come (Minutes, pp. 371-3).

In opposition to the representations and views made and expressed on behalf of the Interborough Company, members of the staff of the Transit Commission expressed the view that an express stop at 33rd Street would improve conditions not only at the Grand Central, but generally in relation to the operation of the East Side Line, their opinions being given in relation to charts and traffic counts which indicated the flow of passengers at the Grand Central Station and 33rd Street.

The Fifth Avenue Association, represented by Colonel Friedsam, Mr. Cooke, and Mr. Koehler, the 34th Street Board of Trade, represented by former Commissioner Maltbie, and other associations similarly represented, urged the general advantages which would flow from the change proposed and which were wholly aside from the improvement in operating conditions claimed by Mr. Turner. The great shopping center, made up of the area about East 34th Street, is permanently fixed by the present location of the two great railroad terminals, the Pennsylvania Station and the Grand Central Station, and as well by the type of high-class building development at the present time going on. At the present time, this center cannot be reached on the East Side Subway without a transfer at the Grand Central, where there is great congestion, or at 14th Street. An examination of the testimony taken at the hearings indicates that the discussion and views of the witnesses of the Transit Commission and of the Company largely related to the effect upon passenger transfer and road operation by the change, if made. A relatively small part of the testimony taken relates to the effect of the change, if made, upon the great shopping and hotel district which would be directly affected.

Mr. Turner, Consulting Engineer of the Transit Commission, testified (Minutes, p. 256) that his judgment was directly opposed to the view expressed by Mr. Keegan. Mr. Turner's point is that the express station at 33rd Street would lessen the time that express trains are now required to stop at the Grand Central, and that as the

Grand Central is the throttling point of the East Side line, the relief of pressure at that point would enable more trains to be operated per hour on the East Side Line. The issue presented in relation to the effects upon operation of the construction of an express station at 33rd Street, largely relates to the probable action of passengers on the northbound express trains approaching Grand Central who normally transfer at that station to local trains for the purpose of leaving at local stations between Grand Central and 86th Street. Would these passengers act in conformity with the prediction of Mr. Hedley and Mr. Keegan, that is to say, refuse to make their transfer to the locals at 33rd Street and continue, as they now do, to make their transfer at the Grand Central? If so, when the expresses stop at 33rd Street and the people from the local trains try to board the expresses, they will be endeavoring to board cars carrying their maximum load of passengers, few of whom will leave the trains to make way for the local passengers. Or would such passengers on the northbound express trains, as predicted by Mr. Turner, make transfer to the locals at 33rd Street in order to avoid the greater crowding, the effects of which they are so familiar with, at the Grand Central?

Theoretically, the answer would seem to be that they would make the transfer at 33rd Street because it would be in the interest of their comfort to do so. On the other hand, we know from experience that crowd psychology is complex. Passengers on the transit lines of this city day in and day out do things that are not in the interest of their own comfort and convenience, and they do these things in great numbers. I believe, however, through proper publicity a very large proportion of the class of passengers referred to could be persuaded in their own interest to make the change at 33rd Street rather than to await arrival at the Grand Central. There is, however, no certainty of this. Some doubt, at least, exists as to what they would do. This doubt in my mind is raised by the facts testified to by Mr. Hedley and Mr. Keegan, which were not available at the time I made the original recommendation.

There being at least some doubt concerning the probable action of this class of passengers, there is to be considered the cost of carrying out the project, the completion of which would of course definitely resolve the doubt, one way or the other. This cost is estimated at from \$1,250,000 to \$1,500,000, irrespective of possible damages. One-half of this cost, if the expenditure were authorized, would be borne by the City of New York and one-half by the operating company. I have considered this item of cost in relation to the uncertainty of the action of the class of passengers referred to, and as well in relation to the present financial ability of both the City and the Interborough Company to make such an outlay when other obligations, many of them more pressing and more in the interest of the people of the City as a whole, exist.

In relation to the finances of the City, the Comptroller of the City recently reported the debt-incurring capacity of the City to be \$76,000,000. The City has undertaken to construct a tunnel to Staten Island at a cost of \$60,000,000. If this project is developed into actual contracts for such construction, the City's debt-incurring capacity will be lowered by \$60,000,000, leaving available but \$16,000,000. Against this balance, numerous other tentative obligations are pending. These include construction of the Crosstown Line in Brooklyn and the Washington Heights extension of the subway in Manhattan. Another project in the interest of the traveling public, obviously more important than the project at 33rd Street, is the lengthening of local stations so as to permit the operation of 10-car local trains. Aside from any other consideration, it would not seem justifiable at this time for the City to incur transit obligations involving the expenditure of considerable sums of money unless such projects are of greater importance to the public than others under consideration. There is to be considered also that the Interborough Company has been committed, largely through action of the Transit Commission, to the expenditure of very considerable capital sums, as indicated above. The Interborough Company, like the City, is limited in its capacity to borrow money, not by law, but by financial circumstances.

In view of what has been indicated, I am forced to the opinion that the Commission would not be warranted at this time in approving and directing the carrying out of this project at 33rd Street. I believe, however, that additional studies and traffic observations will justify the judgment of Mr. Turner in his approval of this project.

I recommend that such additional studies be made, and that this case either be adjourned for six months or a year, not only to enable such studies and observations to be completed and considered, but also for the purpose of further considering the

[September 28, 1923]

matter in the light of possible changed financial conditions as they will affect both the City and the Interborough Company; or, as an alternative, I recommend that the project be disapproved at this time on the ground that the expense involved is not warranted at this time under all the circumstances.

JOHN F. O'RYAN,
Transit Commissioner.

September 26th, 1923.

McANENY, Chairman:

Case No. 2695.

I am in agreement with Commissioner O'Ryan's opinion in this matter and I concur in his suggestion that the case be adjourned for from six months to a year—preferably for a year—before the Commission undertakes to determine whether the existing local station at Fourth Avenue and 33rd Street should be reconstructed as an express station.

In my judgment the financial consideration should at this time be accepted as controlling. Within a year the Commission, as well as the City authorities, will be in a much better position to determine what public funds will be applicable, either to new subway facilities or the improvement of the present subway plant. It will then be practicable to determine as well the comparative importance of the specific measures of traffic relief proposed and to determine whether the expenditure this particular improvement would involve would be justified. The postponement of final decision will also permit the Commission to observe with greater care the actual flow of traffic, both express and local, on the Fourth Avenue-Lexington Subway under existing conditions and to pass more satisfactorily upon the merits of the arguments submitted under this head both by its own representatives and those of the Interborough Company.

GEORGE McANENY.

MEMORANDUM FOR GENERAL O'RYAN.

September 25th, 1923

Mr. Harkness

33rd Street Station.

I have read your opinion (returned herewith) and agree with it. If you have no objection I would like to add the following brief concurring statement:

I concur in General O'Ryan's conclusions. The strong impression made on my mind by the testimony is that the advantages claimed for the changed stations are not proved sufficiently to justify spending the large amount required, especially in view of the limited city and company funds available and the demonstrated need of other transit improvements.

LE ROY T. HARKNESS,
Commissioner.

Thereupon the foregoing Opinion in Case No. 2695, and the concurring memoranda by Chairman McAneny and Commissioner Harkness were approved and a motion adopted postponing further action for one year from October 1, 1923.

1343—R. T. 6506

Contract No. 4—Resolution Designating James B. Walker as Member of Depreciation Fund Board—Adopted

The following resolution was adopted:

Resolved, That pursuant to the provisions of Article LIII of Contract No. 4, dated March 19, 1913, between The City of New York and New York Municipal Railway Corporation, and the Elevated Extension Certificate and the Additional Track Certificate allied therewith, James B. Walker be and he hereby is designated to be a member of the Depreciation Fund Board to succeed himself, effective August 1, 1923.

JAMES B. WALKER,
Secretary.

PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street,
Borough of Manhattan, City of New York.

Proceedings for Tuesday, October 2, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1344—R. T. 7592

Route No. 11-B, Section No. 3—Receipt of Bids for Construction of Extension of Fourth Avenue Subway from 87th Street to 95th Street, Borough of Brooklyn—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of the extension of the Fourth Avenue Subway, from 87th Street to 95th Street, Borough of Brooklyn, Section No. 3, Route No. 11-B, had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box which had been provided for the deposit of such bids, and to read the bids received.

The Secretary presented the proper affidavits of publication, and opened the box and read the six bids received. The bids were then referred to the Chief Engineer.

1345—R. T. 7592

Route No. 11-B, Section No. 3—Resolution Authorizing Release of Checks to all but Lowest and Next to Lowest of Bidders for Construction of Extension of Fourth Avenue Subway—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer, as to the bids received on October 2, 1923, for the construction of the Fourth Avenue Extension, from 87th Street to 95th Street, Borough of Brooklyn, Section No. 3 of Route No. 11-B, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders, the certified checks in the sum of Twenty Five Thousand (\$25,000) Dollars, each, deposited with their bids.

1346—R. T. 7695

Agreement "CQ"—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Station Finish at Queensboro Plaza Station—Resolution Directing Advertising for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for

PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street,
Borough of Manhattan, City of New York.

Proceedings for Tuesday, October 2, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1344—R. T. 7592

Route No. 11-B, Section No. 3—Receipt of Bids for Construction of Extension of Fourth Avenue Subway from 87th Street to 95th Street, Borough of Brooklyn—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of the extension of the Fourth Avenue Subway, from 87th Street to 95th Street, Borough of Brooklyn, Section No. 3, Route No. 11-B, had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box which had been provided for the deposit of such bids, and to read the bids received.

The Secretary presented the proper affidavits of publication, and opened the box and read the six bids received. The bids were then referred to the Chief Engineer.

1345—R. T. 7592

Route No. 11-B, Section No. 3—Resolution Authorizing Release of Checks to all but Lowest and Next to Lowest of Bidders for Construction of Extension of Fourth Avenue Subway—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer, as to the bids received on October 2, 1923, for the construction of the Fourth Avenue Extension, from 87th Street to 95th Street, Borough of Brooklyn, Section No. 3 of Route No. 11-B, the Secretary be and he hereby is authorized and directed to return to all except the lowest and next to lowest of the bidders, the certified checks in the sum of Twenty Five Thousand (\$25,000) Dollars, each, deposited with their bids.

1346—R. T. 7695

Agreement "CQ"—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Station Finish at Queensboro Plaza Station—Resolution Directing Advertising for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for

the construction of Station Finish Work at the Queensboro Plaza Station in the Borough of Queens, Agreement "CQ",

Resolved, That said Invitation to Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings, for the construction of Station Finish Work at the Queensboro Plaza Station in the Borough of Queens, be and hereby are approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication continuously from and including October 4, 1923 to and including October 11, 1923 and on October 8, 1923 in The Brooklyn Citizen and The Standard Union, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 11th day of October, 1923, at eleven-thirty (11:30) o'clock, A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

1347—R. T. 6326, 6327

Route No. 11-B, Sections 1 and 2—Communication from Department of Finance Requesting Preparation of Vouchers for Payment of Judgment and Costs with Interest Growing Out of Claims of Degnon Contracting Company—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$40,641.44

A communication was presented from Deputy Comptroller F. J. Prial of the Department of Finance dated September 18, 1923, requesting the preparation and transmission of vouchers covering the judgment obtained by the Degnon Contracting Company with respect to claims growing out of work under the contracts for the construction of Section Nos. 1 and 2 of Route No. 11-B, totalling the sum of \$39,053.23, together with costs amounting to \$575.46, and interest on said sums from May 7, 1923.

The following resolution was adopted:

Whereas, The Deputy Comptroller Hon. F. J. Prial, of the Department of Finance of The City of New York, has by communication dated September 18, 1923, requested transmission of vouchers to the Department of Finance covering the judgments obtained by the Degnon Contracting Company in respect of claims arising out of the performance of work under contracts between the said company and The City of New York, for the construction of Sections Nos. 1 and 2 of Route 11-B of the so-called Fourth Avenue Rapid Transit Railroad totalling the sum of \$39,053.23; together with costs amounting to \$575.46 and interest on said sums from May 7, 1923 to the date of payment; and

Whereas, The Auditor of this Commission has recommended the making of a requisition for the sub-authorization of such amount under the appropriations heretofore made for Contract No. 4, two vouchers in compliance with the Deputy Comptroller's request to be transmitted to the Department of Finance coincidentally with the sending of such requisition; and

Whereas, Counsel has prepared proposed requisitions which will effect such recommendation.

Resolved, That the said requisition so submitted be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

October 2, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission is in receipt of the following communication dated September 18, 1923, from Hon. F. J. Prial, Deputy Comptroller of the Department of Finance:

"A judgment was obtained against the City and filed in the office of the Clerk of the County of New York on May 7, 1923 in favor of Degnon Contract-

ing Company, or Parker and Aaron, attorneys, for the sum of \$39,053.23 together with costs amounting to \$575.46, and interest on these sums from May 7, 1923.

This judgment was predicated upon claims arising out of the performance of work on contracts by and between the Degnon Contracting Company and the City of New York, acting by the Public Service Commission for the First District, for the construction of certain parts of the Fourth Avenue Rapid Transit Railroad, viz.: Route 11-B, Section No. 1, Contract No. 34604, and Route 11-B, Sec. 2, Cont. No. 34603, which contracts were approved by the Board of Estimate and Apportionment and appropriations of corporate stock provided therefor on Sept. 19, 1912 and additional appropriations were subsequently made, all of which were expended and paid to the contractors under vouchers transmitted by the Public Service Commission.

The Corporation Counsel, to whom said judgment was referred on the question of whether such had been properly obtained and should be paid and also whether the City should apply the judgment as an offset to pending actions against the contractors predicated upon abandoned contracts, advised the Comptroller that—

'The principle of offset applies to pending actions and is governed by the rules respecting the allowance of counterclaims. The City's claim was not and could not have been set up as a counterclaim when the action was commenced in which the judgments herein were recovered. Therefore, under the facts above set forth, I am of the opinion that the payment of the judgment recovered by the Degnon Contracting Company cannot be withheld by reason of the fact that the City has a claim against the Degnon Contracting Company because of its default under another contract with the City.'

The segregation of the items comprised within the judgment of the Degnon Contracting Company shows that of the total aggregating \$39,628.69 (\$39,053.23, judgment, plus \$575.46, costs on appeal), \$29,505.33 is apportionable against Sec. 1, Contract 34604, and \$10,123.36 against Sec. 2, Contract 34603. The further interest on the judgment which will date from May 7, 1923 to the date of payment may be divided on the basis of seventy-five per cent as against Sec. 1, and twenty-five per cent. as against Sec. 2.

Will you, therefore, direct that vouchers for the necessary amounts be transmitted to this department charging \$29,505.33 plus interest thereon from May 7, 1923 against Section 1, Contract 34604, Code CCM-126, and \$10,123.36, plus interest thereon from May 7, 1923, against Section 2, Contract 34603, Code CCM-127, on receipt of which vouchers the sums necessary will be transferred from the unencumbered remainder of the general appropriation, Code CCM-400, of Corporate stock provided by the City for the purposes of the contract known as Rapid Transit Contract No. 4.

Yours truly,
F. J. PRIAL,
Deputy Comptroller.

Transmitted herewith are copies of correspondence with the Corporation Counsel's office anent the judgment and copies of the judgments.

Your Honorable Board is therefore requested to set aside as a subauthorization from the appropriations heretofore made for the purposes of carrying out the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and the New York Municipal Railway Corporation, known as Contract No. 4, the sum of forty thousand six hundred fifty-one dollars and forty-four cents (\$40,651.44), which is made up as follows, the interest being computed to October 11, 1923, the anticipated date of payment:

Route No. 11-B, Sec. No. 1 (CCM 126).....	\$29,505.33	
Interest May 7, 1923 to October 11, 1923.....	761.48	
	<hr/>	\$30,266.81
Route No. 11-B, Sec. No. 2 (CCM 127).....	\$10,123.36	
Interest May 7, 1923 to October 11, 1923.....	261.67	
	<hr/>	\$10,384.63

The vouchers as requested by the Deputy Comptroller in his communication will be transmitted to the Department of Finance coincidentally with the transmission of this requisition.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1348—R. T. 7368

Contract No. 3—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Kalamein Doors, under the Contract for the Construction of Second Addition to Shops at the Lenox Avenue and 148th Street Yard—Approval Resolution

A report was presented from the Chief Engineer dated September 22, 1923, recommending the establishment of a supplementary schedule item as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated August 3, 1922 between the City of New York acting by the Transit Commission and Jacob Schlesinger, Inc., for the construction of the Second Addition to Shops, Lenox Avenue and 148th Street Yard, Contract No. 3, having, subject to the approval of the Commission, agreed with the said contractor on the following Schedule Item:

Item No. 532-R—For kalamein doors of types other than those provided for under Schedule Item No. 532-C in place, the sum of four dollars and forty cents (\$4.40) per square foot, as further explained in the following paragraph:

Payment for kalamein doors of types other than those provided for under *Schedule Item No. 532-C*, will be made at the price stipulated in *Schedule Item No. 532-R*, which price shall include the cost of bucks, frame, trim, hardware (including tracks, guides, stops, carriages and other appurtenances, for the sliding doors) glazing, painting, all cutting, fitting, drilling and all other work, labor and material necessary for or incidental to the completion of the kalamein doors in place, except such hardware as may be paid for under *Schedule Item No. 534*.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1349—R. T. 7590

Contract No. 3—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Girder Beams under Contract for Furnishing and Erection of Steel for Third Addition to Shops at 149th Street and Lenox Avenue Yard—Approval Resolution

A report was presented from the Chief Engineer dated September 28, 1923, recommending the approval of a supplementary schedule item, as described below, and the following resolution was adopted:

Whereas, The Chief Engineer in accordance with Item 150 of the contract dated March 14, 1923, between the City of New York, acting by the Transit Commission, and McClintic-Marshall Company, Contractor for the Furnishing and Erection of the Steel Work for the Third Addition to Shops, 148th Street and Lenox Avenue Yard, having, subject to the approval of the Commission, agreed with the said Contractor upon the following supplementary schedule item:

Item No. 19-WW—For furnishing and erecting sixteen 30-inch 190 lb. Bethlehem girder beams, 21 feet 6 inches long, with the necessary stiffeners and gas pipe separators for use in Service Building No. 1, Third Addition to Shops, Lenox Avenue Yard, at a price of \$110.00 per ton.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1350—R. T. 6924

Routes Nos. 4 & 38, Section No. 4—Application by Gulf Refining Company for Approval of Proposed Permit to Substitute Ventilator Gratings in Front of Premises at No. 21 Charles Street, Borough of Manhattan—Report by Chief Engineer Stating Same Is Satisfactory—Approval Resolution

An application was presented from the Gulf Refining Company, dated September 21, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company, for the substitution of a heavier type of ventilator grating in front of the premises at No. 21 Charles Street, Borough of Manhattan.

A report was presented from the Chief Engineer dated September 26, 1923, stating that the permit is satisfactory from an engineering standpoint.

The following resolution was adopted:

Whereas, By communication dated September 21, 1923 Gordon H. O'Hara, Assistant District Sales Manager of Gulf Refining Company has submitted to this Commission for approval, a proposed permit dated September 4, 1923 and accepted by Gulf Refining Company September 4, 1923, to be issued by Interborough Rapid Transit Company granting the right to remove certain sections of the ventilator gratings forming part of the municipal rapid transit railroad extending under and along Seventh Avenue between Waverly Place and Perry Street, in front of the premises known as No. 21 Charles Street, and to substitute therefor a heavier type of grating for the purpose of providing a driveway across the sidewalk to said premises; and

Whereas, The Chief Engineer of this Commission, by communication dated September 26, 1923, reports that said proposed permit has been examined and found satisfactory from an engineering standpoint; and

Whereas, Counsel has examined said proposed permit and finds no objection thereto,

Resolved, That the said proposed permit so submitted be and the same hereby is approved, and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

1351—R. T. 6080

Route No. 48—Report by Real Estate Clerk Recommending Cancellation of Concession to James F. McLaughlin for Premises at Southerly Side of Beekman Street near William Street, Borough of Manhattan—Approval Resolution

A report was presented from the Real Estate Clerk, dated September 25, 1923, recommending the cancellation as of May 1, 1923, of the concession granted to James F. McLaughlin, to occupy a small space for a trucking stand on the southerly side of Beekman Street near William Street, Borough of Manhattan, for the reason that no possession was taken of the concession.

The following resolution was adopted:

Whereas, James F. McLaughlin of 554-44th Street, Borough of Brooklyn, by application dated April 2, 1923, duly approved by the Commission April 10, 1923, was granted a concession on the southerly side of Beekman Street near William Street, Borough of Manhattan, to be used as a trucking stand, at the rental of \$30.00 per month beginning April 1, 1923, and did deposit the sum of \$30.00 as payment of rent for the first month of occupancy; and

Whereas, The Real Estate Clerk, under date of September 25, 1923, has reported that this tenant did not take possession of the concession, has paid no further rental and has ignored communications from this office, recommending that the first month's rental deposited with the aforesaid application be retained by the Commission and that the concession be terminated as of the end of the month of April, 1923, in which recommendations Counsel has concurred;

Resolved, That the Commission do, and it hereby does, terminate the aforesaid concession and that the deposit of the first month's rental referred to be retained as rental properly due The City of New York.

1352—R. T. 7103

Contract No. 3—Communication from Interborough Rapid Transit Company, Accepting Resolution Directing Construction of Temporary Inspection Shed at Lenox Avenue Yard and Calling Attention to Financial Condition of Company in Connection with Tripartite Contracts—Referred to Counsel

A communication was presented from the Interborough Rapid Transit Company, dated September 24, 1923, accepting the resolution of the Commission dated September 7, 1923, directing the Interborough Rapid Transit Company to perform the work of constructing a temporary inspection shed at Lenox Avenue and 148th Street Yard as a charge to the cost of its contribution toward the cost of construction, under contract No. 3, but stating that it will be impossible to accede to any further similar requests as the Company has a free balance of only \$30,000 with contingent liabilities aggregating over \$1,000,000, under tripartite construction contracts.

The communication was referred to Counsel.

1353—R. T. 7224

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Drawing for Bleeder Connection from Turbines 7 and 8 to Auxiliary Exhaust at 59th Street Power Station—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated September 20, 1923 requesting approval of drawing No. I-10297—B showing a six inch bleeder connection in Turbines 7 and 8 to the auxiliary exhaust at the 59th Street Power Station.

A report was presented from Consulting Engineer, Dr. Charles E. Lucke, dated September 27, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922 the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, By communication dated September 20, 1923 Frank Hedley as President and General Manager of Interborough Rapid Transit Company has submitted for the approval of this Commission original tracing entitled "Master Drawing 6" bleeder line from Turbines Nos. 7 & 8 to Auxiliary Exhaust. 59th St. P. H. Interborough Rapid Transit Co. Motive Power Dept. Sheet No. 1—10297—B (1)"; and

Whereas, Consulting Engineer Dr. Charles E. Lucke has recommended the approval of said tracing as more particularly set forth in his communication dated September 27, 1923 addressed to this Commission,

Resolved, That the said report and recommendation be and the same hereby are approved and that the tracing so submitted be and the same hereby is approved.

1354—R. T. 6449

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Contract for Sale of Premises at Ditmars Street and Myrtle Avenue, Borough of Brooklyn—Reports by Real Estate Clerk and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated August 31, 1923, requesting approval of a proposed contract with Fay Koenig and Frieda Koenig for the sale of certain premises at Ditmars Street and Myrtle Avenue, Borough of Brooklyn, at the selling price of \$9,000.

Reports were presented from the Real Estate Clerk dated September 26, 1923, recommending that the application be approved and from the Chief Engineer dated October 1, 1923, stating that the proposed contract is satisfactory from an engineering standpoint.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, by J. H. Bennington, its Real Estate and Tax Agent, has, by communication dated August 31, 1923, submitted to this Commission for its approval a proposed contract dated August 23, 1923 between said New York Rapid Transit Corporation and Fay Koenig and Frieda Koenig, for the sale of certain premises at Ditmars Street and Myrtle Avenue, in the Borough of Brooklyn, as in said agreement more particularly set forth, the proposed purchase price being \$9,000, payable \$500 on the signing of the contract, \$2,000 on the delivery of the deed and by purchase money bond the mortgage for \$6,500 for three years with interest at 6% per annum, payable semi-annually; and

Whereas, The Real Estate Clerk of this Commission, by communication dated September 26, 1923, has reported with respect to said application and has recommended that it be approved; and

Whereas, The Chief Engineer of this Commission, by communication dated October 1, 1923, addressed to Counsel to this Commission, reports that said proposed contract is satisfactory from an engineering standpoint; and

Whereas, Counsel has examined said contract of sale and finds no objection thereto, Resolved, That the said application so submitted be and the same hereby is approved.

1355

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Employment of Engineering Services for Shop Layout at Coney Island Yard—Report by Chief Engineer Submitting Form of Reply Approving Application—Reply Approved

An application was presented from the New York Rapid Transit Corporation dated September 11, 1923, together with a supplementary communication dated September 15, 1923, requesting approval of the employment of Dwight P. Robinson, Inc., as Consulting Engineers to assist in the shop layout for the Coney Island Yard at a cost as shown by the actual payroll plus 100% plus actual expenses.

A report was presented from the Chief Engineer dated September 25, 1923, stating that such method of charge is not unusual nor unreasonable and submitting a proposed reply approving the application.

Upon motion, duly seconded and adopted, the reply was approved on condition that the expenditure for such engineering services would not exceed the sum of \$10,000.

1356—Case 2341**New York Rapid Transit Corporation—Equipment and Appliances—Order Approving Instruction Bulletin Adopted**

The Secretary presented a communication, dated September 24, 1923, from W. S. Menden, President of the New York Rapid Transit Corporation, submitting Instruction Bulletin, N. Y. R. T. 1, dated September 1, 1923, as an addition and modification of schedules theretofore filed with the Commission and also submitting forms of inspection cards.

The Secretary also presented a report, dated September 26, 1923, by W. C. Whiston, Electrical Engineer, approved by the Engineer of Equipment & Operation, recommending the approval of the bulletin and cards, as required by Paragraph 4 of the Final Order in Case No. 2341.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2341, approving the above mentioned instruction bulletin and inspection cards.

1357—Case 2672**The Long Island Railroad Company—Application of the Board of Estimate and Apportionment for a Determination as to the Method by Which 216th Street (Fourth Street) Shall Be Carried Across the Tracks of the Flushing and North Side Division, in the Borough of Queens—Resolution Approving Blueprint Drawing of Foot Bridge**

The Secretary presented a communication, dated September 24, 1923, from L. V. Morris, Chief Engineer of The Long Island Railroad Company, submitting for approval blueprint drawing showing plans and details of foot bridge over 216th Street (Fourth Street) on the Company's Flushing and North Side Division.

The Secretary also presented a report, dated September 28, 1923, by W. L. Selmer, Engineer of Structures, approved by the Engineer of Equipment & Operation, recommending the approval of the above mentioned drawing.

Thereupon the Commission approved and ordered filed a resolution in Case No. 2672, approving the above mentioned drawing.

1358—Case 2690**Hudson & Manhattan Railroad Company—Annual Reports—Extension Order Adopted**

The Secretary presented a communication, dated September 27, 1923, from the Hudson and Manhattan Railroad Company requesting an extension of time of thirty days to file annual report as required by the Commission's Order in Case No. 2690.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, granting the desired extension of time to October 30, 1923.

1359—Case 2253

The New York Central Railroad Company et al.—Application of The City of New York for Determination as to Manner in Which East 238th Street Shall Be Carried Across Companies' Tracks—Communication from Alexander S. Lyman, General Attorney for Company—Report by Counsel—Filed

The Secretary presented a communication, dated September 24, 1923, from Alexander S. Lyman, General Attorney for The New York Central Railroad Company, advising that the railroad company's engineers were working in preparation of revised detailed plans and specifications of the East 238th Street bridge.

The Secretary also presented a report, dated September 25, 1923, by Carleton S. Cooke, Assistant Counsel, approved by Counsel to the Commission, advising that the stay asked for by the railroad companies had been refused by the Appellate Division of the Supreme Court and that plans approved in 1920 or 1921 might have become obsolete and in need of revision and that the action taken by the railroads was sufficient compliance pending appeal to the Court of Appeals which should be argued at an early date.

Thereupon the Commission ordered the above mentioned papers filed.

1360—R. T. 7345, 6243

Routes Nos. 48 and 11—Receipt from Department of Finance for Checks as Payment for Interest on Sale of Property at Clark Street and Columbia Heights and for Fire Damages to Premises at No. 77 Rockwell Place, Borough of Brooklyn—Filed

The following receipt was ordered filed:

September 29, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
BUREAU OF ACCOUNTANCY
Division of Receipts

Received from Transit Commission checks aggregating Two thousand and fifty-eight 28/100 (\$2,058.28)

Particulars:

Amounts received in the sale of, and adjusted fire damages on certain properties acquired in the construction, maintenance and operation of the

Seventh Ave.-Lexington Ave. Line. Park Place, William and Clark Street Route—

Sold to Frank W. Struvy and conveyed to The 156 Columbia Heights Co., Inc.:

Premises S. W. cor. Clark St. and Columbia Heights, Brooklyn—Six months interest due Sept. 16, 1923..... \$234.38

Brooklyn—Fourth Avenue Route, Borough of Brooklyn—

Rented to Strand Billiard Academy:

Adjusted fire damages because of fire which occurred Feb. 25, 1923, on premises No. 77 Rockwell Place, Brooklyn..... 1,823.90

To be credited to Suspense Account (Real Estate Sales and Rentals of the Transit Commission) Code S 109-C..... \$2,058.28

For Comptroller,
H. H. RATHVEN,
Auditor of Receipts.

1361

Employees' Resolution No. 167

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Percy S. Palmer, engineering inspector, at \$150.08 per month, to take effect September 24, 1923; Samuel M. Rudesill, engineering inspector, at \$150.08 per month, to take effect October 1, 1923.

Appointments under Rule VIII:4—Hyman Cranberg, draftsman, at \$175.08 per month, to take effect October 2, 1923; Nathan Deutschman, draftsman, at \$175.08 per month, to take effect October 1, 1923; Hyman Firman, junior clerk, at \$60.00 per month, to take effect October 1, 1923; James J. Frawley, junior clerk, at \$60.00 per month, to take effect October 1, 1923; Henry Greenberg, junior assistant, at \$125.08 per month, to take effect October 2, 1923; Abraham Josefson, draftsman, at \$175.08 per month, to take effect October 1, 1923; Abraham Klein, junior assistant, at \$125.08 per month, to take effect September 26, 1923; Daniel H. Lamke, engineering inspector, at \$150.08 per month, to take effect October 2, 1923; Nicholas S. Mogavero, junior assistant, at \$125.08 per month, to take effect October 1, 1923; Walter J. Mulligan, junior assistant, at \$125.08 per month, to take effect September 26, 1923; Ernest Springer, junior assistant, at \$125.08 per month, to take effect September 27, 1923; Julius Sunshine, junior assistant, at \$125.08 per month, to take effect September 26, 1923.

Resignations—Herman Ginsberg, junior assistant, at \$125.08 per month, to take effect September 29, 1923; Jacob D. Mednick, draftsman, at \$150.08 per month, to take effect October 1, 1923; George S. Meister, accountant, at \$150.08 per month, to take effect October 1, 1923; Harry Nathan, assistant engineer, at \$237.50 per month, to take effect September 29, 1923; James O'Connor, engineering inspector, at \$150.08 per month, to take effect September 27, 1923; Percy S. Palmer, junior assistant, at \$125.08 per month, to take effect September 23, 1923.

Change of Rate—Morris Bass, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Arnold Brauer, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Sidney R. Brown, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Juan A. Delgado, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Anthony J. Donargo, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; William Fierstein, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Samuel Fox, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Eli Frankle, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Samuel N. Gerson, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; William F. Johnson, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Louis S. Kirjassoff, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Walter R. Many, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Abraham M. Morris, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; William R. Nugent, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; William A. O'Leary, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Henry L. Rossire, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Reuben Rubin, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; James E. Sampson, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Vincent Schilior, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Emmett J. Scott, Jr., draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Herbert W. Steinbeck, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Samuel Steinfeld, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Francis J. Weber, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Alfred M. Wyman, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923.

Promotions—Pedro H. Agramonte, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; George M. Biales, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Joseph Bunin, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Francis M. Carman, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Anthony M. Catino, draftsman, from \$175.00 to \$175.08, to take effect October

1, 1923; John J. Duffy, draftsman, from \$175.00 to \$175.08, to take effect October 1, 1923; Jacob Drapkin, junior engineer, from \$175.00 to \$180.08, to take effect September 26, 1923; William H. Eberhardt, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Harry Garfinkel, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Joseph I. Garfunkel, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Paul A. Gourtoff, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; John C. Judge, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Aaron Kahn, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; George I. King, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Selig Kunofsky, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Clarence Leader, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Harry Lebedun, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Morris Levy, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Noah London, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Harvey Malcolm, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Israel Malin, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Aubrey L. McCaffrey, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Benjamin I. Nelson, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Stephen M. Pourtier, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Nathan Raboy, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Theodore Regenstreich, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Morris Roberts, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Samuel Rothbard, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Mortimer Schoener, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Nathan A. Shayness, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Benjamin Silver, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Morris E. Spaet, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Nathan B. Sparer, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Joshua B. Steinsapir, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Louis Steinwolf, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Jones A. Stewart, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Jacob Sumter, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Adolph D. Sussman, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Samuel Toporoff, draftsman, from \$175.00 to \$175.08, to take effect October 1, 1923; Lazarus Trommer, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923; Simon Weiner, draftsman, from \$150.08 to \$175.08, to take effect October 1, 1923.

Change of Name—Viola V. Moran from Viola Schmitzler, statistical clerk, at \$112.50 per month, to take effect October 15, 1923.

Change of Item in Resolution of August 28, 1923 Concerning Setrag A. Sulahian so as to Read as Follows: (Appointment under Rule VIII:4)—Setrag A. Sulahian, junior assistant, at \$125.08 per month, to take effect August 22, 1923.

Change of Item in Resolution of September 18, 1923, concerning Jacob Drapkin so as to Read as Follows: (Reinstatement)—Jacob Drapkin, junior engineer, at \$175.00 per month, to take effect September 26, 1923.

Leave of Absence with Pay—Patrick Brown, transit inspector, from September 10, 1923 to September 24, 1923.

1362

Employees' Calendar No. 168

On motion duly seconded and unanimously adopted, the Commission took action retaining William H. Burr, as consulting engineer at \$15,000 per annum, effective October 2, 1923, for such period as the Commission may determine; and

On motion, duly seconded and unanimously adopted, the Commission took action retaining William J. Wilgus, as consulting engineer at \$15,000 per annum, effective October 2, 1923, for such period as the Commission may determine.

Voucher Schedule No. 40

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 937-953, open market orders, \$395.29; Vouchers Nos. 501-514, miscellaneous bills, \$4,375.49.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for Construction of Rapid Transit Railroads for Periods Indicated Below:

Voucher No. 250; Philip J. Healey, approximate estimate No. 3 for making test borings in the proposed Coney Island line in the Borough of Brooklyn; Westchester Line in the Borough of The Bronx, and the extension of the Broadway-Fourth Avenue Line in the Borough of Manhattan, Agreement "CI," from August 1, 1923 to August 31, 1923 (R. T. 5006) \$1,259.15;

Voucher No. 251; Fox, Reynolds Co., Inc., approximate estimate No. 5 for the completion of newsstand enclosure at stations of the Municipal Rapid Transit Railroads, under Contracts Nos. 3 and 4, from August 26, 1923 to September 25, 1923 (R. T. 7419) \$3,679.29;

Voucher No. 252; Rosenthal Engineering Contracting Co., Inc., approximate estimate No. 7 for the construction of foundations for Third Addition to Shops, Lenox Avenue and 148th Street Yard, Contract No. 3, from August 21, 1923 to September 20, 1923 (R. T. 7589) \$15,851.48;

Voucher No. 253; Station Finish Corporation, Assignee, approximate estimate No. 14 for the construction of station finish on Sections Nos. 3, 4 and 5 of Route No. 8, from September 1, 1923 to September 30, 1923, (R. T. 7539) \$6,652.99;

Voucher No. 254; Alfred R. Saxe Lumber Co., approximate estimate No. 1 for the supply of ties and timber, Order No. 8, from May 11, 1923 to September 20, 1923 (R. T. 7640) \$18,929.72;

Voucher No. 255; Degnon Contracting Company, or Parker & Aaron, Attorneys, in full payment of judgment in the action of Degnon Contracting Company vs. The City of New York, entered in the office of the Clerk of the County of New York on May 7, 1923, in connection with the contract dated October 4, 1912, for the construction of Sections Nos. 1 and 2 of Route No. 11-B, (R. T. 6351, 6352) \$40,651.44.

1364

Upon motion duly made and adopted, the meeting was adjourned to Wednesday, October 10, 1923.

1365

Hearing

The following hearing was held:

10:30 A. M.; Case No. 2699; Manhattan Bus Corporation; Application for a certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan, City of New York. Commissioner Harkness presided. Adjourned until October 16, 1923 at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, October 3, 1923

1366

Hearing

The following hearing was held :

2:30 P. M. ; Cases No. 2697 and 2698 ; Interborough Rapid Transit Company and New York Rapid Transit Corporation ; Hearing on Motion of the Commission as to the construction, apparatus, equipment, facilities, or devices used or to be used in connection with the transportation of passengers and property with particular reference to the installation of an experimental one mile of block signals on the local tracks of the elevated portions of the lines of said companies. James B. Walker, Secretary to the Commission, designated to conduct this hearing, presided. Adjourned to November 15, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, October 10, 1923

Present : LeRoy T. Harkness, Acting Chairman ; John F. O'Ryan, Commissioner ; James B. Walker, Secretary.

The following matters were presented and action taken as noted :

1367—R. T. 7592

Route No. 11-B, Section No. 3—Report by Chief Engineer as to Receipt of Bids for Construction of Extension of Fourth Avenue Subway and Recommendation for Award of Contract to T. A. Gillespie Company at Bid Price of \$1,725,884.10—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved :

October 3, 1923.

TO TRANSIT COMMISSION :

*Award of Contract for Construction of Route No. 11-B, Section No. 3, to
T. A. Gillespie Co.*

On October 2nd the following bids were received for construction of a part of a rapid transit railroad, Route No. 11-B, Section No. 3, Fourth Avenue, between 86th Street and 95th Street, Brooklyn :

No.	Name	Amount
1.	T. A. Gillespie Company.....	\$1,725,884.10
2.	Godwin Construction Company.....	1,745,730.00
3.	Oakdale Contracting Company, Inc.....	1,841,092.00
4.	Rosoff Engineering Company, Inc.....	1,892,780.50
5.	Patrick McGovern, Inc.....	1,967,036.00
6.	Frederick L. Cranford, Inc.....	2,288,207.50

Our estimate for this work amounted to \$1,706,370.

This is the same contract for which bids were received on December 22, 1922, but as the Board of Estimate and Apportionment up to March 5, 1923 had not taken any action on this contract the low bidder on that date withdrew its bid and on March 6, 1923 the Commission in consequence thereof rejected all the bids received for this work.

The lowest bidder for this contract on December 22nd was the same T. A. Gillespie Company, that now again is the lowest bidder, the bid at that time, however, amounted to \$1,485,151, which is \$240,733.10 lower than the present bid. It is interesting to note that the ratio between the present bid and the bid of December 22, 1922 is the same as the ratio between the cost index given in the Engineering News-Record of the cost of work of the same dates.

The prices given in T. A. Gillespie Co.'s bid are reasonable under present conditions although higher than the bid of December 22, 1922, as our estimate is higher now than it was last December.

T. A. Gillespie Company, as stated in my letter of December 26, 1922, is a contracting firm of the highest standing. It has done a great deal of work for the Board of Water Supply of the City of New York and had charge of the reconstruction of the Manhattan Elevated Railroad for addition of a third track to the Second, Third and Ninth Avenue Elevated Lines, which work has all been carried out satisfactorily. This Company has also done considerable subway work in Boston.

Attached I send you copy of minutes of a conference held in my office today with representatives of the T. A. Gillespie Company.

Recommendation: In accordance with the above, I recommend that the contract for Construction of Route 11-B, Section No. 3, Extension of Fourth Avenue Subway to 95th Street in Brooklyn be awarded to the lowest bidder, T. A. Gillespie Company, at its bid figure of \$1,725,884.10, and that a requisition be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the construction of a part of a rapid transit railroad Route No. 11-B, Section No. 3 (Fourth Avenue, Brooklyn) was heretofore finally adopted by this Commission on December 6, 1922 and subsequent to advertisement duly made, bids were received on December 22, 1922; and

Whereas, This Commission by resolution adopted December 27, 1922 awarded said proposed contract subject to its being consented to in form and substance as required by law to the low bidder, T. A. Gillespie Co. and thereafter transmitted said proposed contract to the Board of Estimate and Apportionment for its consent and the appropriation in accordance with the requisition of the Commission of the amount estimated to be necessary to meet the obligations of the city thereunder; and

Whereas, Prior to action by the Board of Estimate and Apportionment on said proposed contract and requisition, the said T. A. Gillespie Co. by communication dated March 5, 1923 formally withdrew its said bid as permitted by the provisions of the general municipal law and this Commission by resolution adopted March 6, 1923, upon advice of its Counsel rejected all bids received on December 22, 1922 as aforesaid because of such withdrawal by the said low bidder; and

Whereas, This Commission has readvertised said proposed contract adopted as aforesaid and subsequent to notice duly published, bids respectively totaling as follows were received on October 2, 1923:

T. A. Gillespie Co.....	\$1,725,884.10
Godwin Construction Co.....	1,745,730.00
Oakdale Contracting Co., Inc.....	1,841,092.09
Rosoff Eng'g. Co., Inc.....	1,892,780.50
Patrick McGovern, Inc.....	1,967,036.00
Frederick L. Cranford, Inc.....	2,288,207.50

; and

Whereas, The Chief Engineer of this Commission by communication dated October 3, 1923 has reported that the amount of said low bid is reasonable and that the said T. A. Gillespie Co. is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of \$1,725,884.10, the amount estimated to be necessary to carry out said proposed contract on the part of the city,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby are approved; that the bid of T. A. Gillespie Co. submitted on October 2, 1923 be and the same hereby is accepted and that the said proposed contract for the construction of a part of a rapid transit railroad, Route No. 11-B, Section No. 3 (Fourth Avenue, Brooklyn) be and hereby is awarded to said T. A. Gillespie Co., subject to its being consented to in form and substance as required by law and that said proposed contract together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$1,725,884.10 estimated to be necessary to meet the City's obligations under said proposed contract be transmitted to said Board of Estimate and Apportionment.

TRANSIT COMMISSION.
By JAMES B. WALKER,
Secretary.

The communication to the Board of Estimate and Apportionment as authorized by the above resolution, was as follows:

October 10, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

On December 27, 1922 the Transit Commission transmitted to you, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission and T. A. Gillespie Co. for the construction of a part of a rapid transit railroad, Route No. 11-B, Section No. 3 (Fourth Avenue, Brooklyn) together with a requisition upon your Honorable Board for the appropriation of a sum estimated to be necessary to meet the City's obligations under said proposed contract upon the basis of the low bid received after public advertisement by the Commission on December 22, 1922. Said proposed contract and requisition were thereafter transmitted to the Committee of the Whole of your Board, but prior to final action thereon, the low bidder, T. A. Gillespie Co., pursuant to the provisions of the General Municipal Law, by communication dated March 5, 1923, withdrew its bid, and there being no alternative this Commission by resolution adopted March 6, 1923 rejected all bids for said proposed contract received as aforesaid on December 22, 1922.

Your Honorable Board then at its meeting of March 16, 1923 (Cal. No. 67) as indicated in the communication dated March 16, 1923 addressed to this Commission by the Assistant Secretary of your Board referred back to this Commission said proposed contract for the reason that the contractor had withdrawn its bid.

The Commission has readvertised said proposed contract and resubmits said proposed contract for the consent of your Honorable Board as required by law, together with a requisition upon your Honorable Board for the appropriation of the sum of One million, seven hundred twenty-five thousand, eight hundred eighty-four dollars and 10/100 (\$1,725,884.10), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract pursuant to the low bid upon such readvertisement. Proposals for said proposed contract pursuant to such readvertisement were received by this Commission on October 2, 1923 respectively totalling as follows:

T. A. Gillespie Company.....	\$1,725,884.10
Godwin Construction Company	1,745,730.00
Oakdale Contracting Company, Inc.....	1,841,092.00
Rosoff Engineering Company, Inc.....	1,892,780.50
Patrick McGovern, Inc.	1,967,036.00
Frederick L. Cranford, Inc.....	2,288,207.50

The Chief Engineer of this Commission, in a communication dated October 3, 1923, reports that the bid of T. A. Gillespie Co., the low bidder is reasonable and that said company is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to said T. A. Gillespie Co. subject to its being consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith

transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of One million, seven hundred twenty-five thousand, eight hundred eighty-four dollars and 10/100 (\$1,725,884.10) and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of One million, seven hundred twenty-five thousand, eight hundred eighty-four dollars and 10/100 (\$1,725,884.10).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4.

TRANSIT COMMISSION,
By LE ROY T. HARKNESS,
Acting Chairman.

1368—R. T. 7635

Agreement "CE"—Certificate by Chief Engineer of Completion of Contract for Changes in Subway Structures so as to Permit Widening of Certain Streets in Borough of Manhattan—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

October 1, 1923.

To TRANSIT COMMISSION:

Certificate of Completion: Agreement "CE"—Making Alterations in the Broadway-Fourth Avenue Rapid Transit Structures at various Locations to permit Widening of Streets, Borough of Manhattan.

In connection with the contract dated March 14, 1923 between the City of New York, acting by the Transit Commission and Benedetto and Saussez for making alterations in the Broadway-Fourth Avenue Rapid Transit structures at various locations to permit the widening of streets in the Borough of Manhattan, I hereby certify that all work was completed on August 13, 1923. The total cost of the work was \$9,037.55.

In accordance with the provisions of the contract, all work should have been completed by July 21, 1923. The time for completion, however, was extended to August 13, 1923 by resolution of the Transit Commission adopted on September 12, 1923. As all work was completed within the contract time, as extended, there are no liquidated damages to be assessed.

Recommended: That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer,
TRANSIT COMMISSION.

The following resolution was adopted:

Whereas, The Contract dated March 14, 1923, between The City of New York acting by the Transit Commission, and Benedetto & Saussez, for making alterations in the Broadway-Fourth Avenue Rapid Transit structures at various locations, to permit of the widening of streets in the Borough of Manhattan (Agreement "CE"), required the completion of all work thereunder on or before July 21, 1923, which time was extended to and including August 13, 1923, by resolution of the Transit Commission adopted on September 12, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated October 1, 1923, has reported that all the work required under said contract was in all respects completed on or before August 13, 1923; that the total cost thereof was \$9,037.55 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York,

Resolved, That the said report and recommendation be and the same hereby are approved, that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

1369

Voucher Schedule No. 41

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, the Comptroller of the State of New York, the Brooklyn-Manhattan Transit Corporation, or The South Brooklyn Railway Company, as the vouchers may direct.

Vouchers Nos. 954-984, open market orders, \$1,745.91; Vouchers Nos. 515-532, miscellaneous bills, \$2,596.20; Vouchers Nos. 24-26, special payroll, \$3,750.00; Vouchers Nos. 171-179, regular city payroll, \$90,831.41; Voucher No. CM-19, regular State payroll, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Materials Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 256; George Colon & Company, supplementary approximate estimate No. 2-A, for the construction of Union Square passageway connection station, Routes Nos. 5 and 8, from April 27, 1923 to July 31, 1923 (R. T. 7513) \$3,326.65;

Voucher No. 257; Michael DelBalso, approximate estimate No. 9 for the installation of tracks, including furnishing of part of the track materials and the construction of drainage system and concrete inspection pits, Route No. 18, 239th Street Yard, from September 1, 1923 to September 30, 1923 (R. T. 7528) \$12,594.78;

Voucher No. 259; Wagner Engineering Co., Inc.; approximate estimate No. 8 for the construction of direction signs at stations of rapid transit railroads, from August 6, 1923 to October 5, 1923 (R. T. 7482) \$1,796.54;

Voucher No. 260; Philip J. Healey; approximate estimate No. 4, for making test borings, proposed Coney Island Line in Borough of Brooklyn, proposed Westchester Line in Borough of The Bronx, and along proposed extension of Broadway-Fourth Avenue Line in Central Park, Agreement "CI", from September 1, 1923 to September 30, 1923 (R. T. 5006) \$446.53;

Voucher No. 261; New York Rapid Transit Corporation, approximate estimate No. 3 for distributing and installing covers, frames and asbestos lumber panels for low bench duct manholes, Contract No. 4, from June 1, 1923 to July 31, 1923 (R. T. 7495) \$1,706.64;

Voucher No. 262; Frederick L. Cranford, Inc.; approximate estimate No. 15, for the reconstruction of a part of Section No. 3 of Route No. 33, Completion of the Lawrence Street station, from September 1, 1923 to September 30, 1923 (R. T. 7454) \$10,681.67;

Voucher No. 263; Hamme & Jackson, Inc., approximate estimate No. 2 for reconstructing retaining wall on both sides of 60th Street Tunnel, at North Jane Street, Borough of Queens, from September 1, 1923 to September 30, 1923 (R. T. 7522) \$4,638.33;

Voucher No. 264; M. A. Charles, approximate estimate No. 2 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, in the Borough of Brooklyn, Agreement "CJ", from September 1, 1923 to September 30, 1923 (R. T. 7648) \$553.09;

Voucher No. 264-BMT; M. A. Charles, approximate estimate No. 2 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, in the Borough of Brooklyn, Agreement "CJ", from September 1, 1923 to September 30, 1923 (R. T. 7648) \$276.55;

Voucher No. 264-SBR; M. A. Charles, approximate estimate No. 2 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, in the Borough of Brooklyn, Agreement "CJ", from September 1, 1923 to September 30, 1923 (R. T. 7648) \$276.55;

- Voucher No. 265; Gustin Morris Contracting Corporation, approximate estimate No. 6 for the construction of foundations, Route No. 52, Section No. 1, from September 1, 1923 to September 30, 1923 (R. T. 7670) \$6,082.60;
- Voucher No. 266; Rosenthal Engineering Contracting Co., Inc., approximate estimate No. 13, for the construction of inspection shed enclosure for Route No. 18, 180th Street Yard, from September 1, 1923 to September 30, 1923 (R. T. 7457) \$8,220.08;
- Voucher No. 267, Oakdale Contracting Co., Inc., approximate estimate No. 5, for the construction of Route No. 52, Section No. 3, a part of the Flushing Route (R. T. 7673) \$43,986.65;
- Voucher No. 268; T. H. Reynolds Contracting Company, approximate estimate No. 10, for the installation of tracks in Section Nos. 1 to 5, inclusive, Route No. 8, from September 1, 1923 to September 30, 1923 (R. T. 7536) \$6,074.91;
- Voucher No. 269; Slattery Engineering & Construction Co., Inc.; approximate estimate No. 11 for the construction of additional approach track to the Lenox Avenue and 148th Street Yard, under Contract No. 3, from September 1, 1923 to September 30, 1923 (R. T. 7366) \$4,465.68;
- Voucher No. 270; Fox, Reynolds Co. Inc.; approximate estimate No. 4, for the excavation and construction of a retaining wall at the Lenox Avenue and 148th Street Yard, Borough of Manhattan, from September 1, 1923 to September 30, 1923 (R. T. 7642) \$2,394.00;
- Voucher No. 271; Frederick L. Cranford, Inc.; approximate estimate No. 6, for the construction of Section 6-A-1 of Route No. 8 of the Fourteenth Street-Eastern Line, from September 1, 1923 to September 30, 1923 (R. T. 7667) \$26,944.36;
- Voucher No. 258; Benedetto & Saussez; final estimate for making alterations in the structure Broadway-Fourth Avenue Line, at various locations, to permit the widening of streets in the Borough of Manhattan, to August 13, 1923 (R. T. 7635) \$1,390.48.

1370

Voucher Schedule No. 42

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Railroads for the Periods Indicated Below:

- Voucher No. 272; Jacob Schlesinger, Inc.; approximate estimate No. 4 for making changes in subway structures necessitated by the widening of 60th Street, between Second and Fifth Avenues, Borough of Manhattan, from August 26, 1923 to September 25, 1923 (R. T. 7639) \$9,666.54;
- Voucher No. 273; Powers-Kennedy Contracting Corporation; approximate estimate No. 16, for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Routes Nos. 35 and 67, from September 1, 1923 to September 30, 1923 (R. T. 7584) \$56,973.67.

1371

Upon motion duly seconded and adopted, the meeting was adjourned to Thursday, October 11, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, October 11, 1923

Present: LeRoy T. Harkness, Acting Chairman; John F. O'Ryan, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1372—R. T. 7695

Agreement "CQ"—Receipt of Bids for Construction of Station Finish at Queensboro Plaza Station—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of station finish work at the Queensboro Plaza Station, Agreement "CQ," had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the four bids received. The bids were then referred to the Chief Engineer.

1373—R. T. 7695

Agreement "CQ"—Resolution Authorizing Release of Checks to All But Lowest Bidder for Construction of Station Finish Work on Queensboro Plaza Station—Adopted

The following resolution was adopted:

Resolved, That upon receipt of the report by the Chief Engineer as to the bids received on October 11, 1923, for the construction of station finish work at the Queensboro Plaza Station, Agreement "CQ," the Secretary be and he hereby is authorized and directed to return to all except the lowest bidder the certified check in the sum of \$300 each deposited with their bids.

1374—R. T. 7664

Route No. 33, Section No. 3—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Station Finish at Lawrence Street Station—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal for construction of Station Finish for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section No. 3, Lawrence Street Station,

Resolved, That said Invitation to Contractors, Information for Contractors, Forms of Contract, Bond and Contractor's Proposal for construction of Station Finish for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section No. 3, Lawrence Street Station be and are hereby approved and adopted and that said Invitation to Contractors be published in The City Record every day of publication continuously from and including October 13, 1923 to and including October 26, 1923 and on October 15, 1923 and October 22, 1923 in The Brooklyn Citizen and the Standard Union, daily newspapers published in The City of New York and that such bids as shall be received shall on the 26th day of October, 1923 at eleven-thirty (11:30) o'clock a. m. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission and read.

1375—R. T. 7645

Agreement "CS"—Report by Chief Engineer as to Receipt of Bids for Construction of Duct Line at 239th Street Yard and Recommendation for Award of Contract to Felix Hanratty at Bid Price of \$9,663—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

October 2, 1923.

To TRANSIT COMMISSION:

Agreement "CS"—Award of Contract.

On September 28th the following bids were received for work under Agreement "CS", Construction of a Railroad Duct Line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18, Borough of The Bronx:

No.	Name	Amount
1.	Felix Hanratty	\$9,663.00
2.	John Riches	11,636.00
3.	Thos. Crimmins Contracting Co.....	12,502.00
4.	Slattery Eng'g. & Const. Co.....	12,850.00
5.	Frank Persicano	13,673.50
6.	Michael Del Balso.....	14,380.00
7.	M. A. Charles.....	15,294.75
8.	N. W. Ryan.....	15,316.50
9.	T. H. Reynolds Contr. Co., Inc.....	15,445.00

Our estimate for this work amounts to \$10,077.

The lowest bidder, Felix Hanratty, has not previously done any work for the Commission. He has, however, done considerable work for the Borough of The Bronx and the engineers of that office, in answer to our inquiry, say that his work has been satisfactory. The prices offered by the lowest bidder seem reasonable.

Enclosed I send you copy of minutes of a conference with the lowest bidder held in my office on October 2nd, in which he makes a statement of his financial standing which seems satisfactory.

Recommendation: From an engineering standpoint I recommend that the contract for work under Agreement "CS," Construction of a Railroad Duct Line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18, Borough of The Bronx, be awarded to the lowest bidder, Felix Hanratty, at his bid figure of \$9,663 and that a requisition be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the construction of a railroad duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad (Route No. 18), Borough of The Bronx, Agreement "CS," was heretofore finally adopted and subsequent to advertisement duly made bids respectively totalling as follows were received on September 28, 1923:

Felix Hanratty	\$9,663.00
John Riches	11,636.00
Thos. Crimmins Contracting Co.....	12,502.00
Slattery Eng'g & Construction Co.....	12,850.00
Frank Persicano	13,673.50
Michael Del Balso.....	14,380.00
M. A. Charles.....	15,294.75
N. W. Ryan.....	15,316.50
F. H. Reynolds Contracting Co., Inc.....	15,445.00

; and

Whereas, The Chief Engineer of this Commission, by communication dated October 2, 1923, has reported that the amount of said low bid is reasonable and that the said

Felix Hanratty, the low bidder, is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$9,663, the amount estimated to be necessary to carry out said proposed contract.

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Felix Hanratty, submitted as aforesaid, be and the same hereby is accepted and that the said proposed contract for the construction of a railroad duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad (Route No. 18), Borough of The Bronx, Agreement "CS," be and the same hereby is awarded to said Felix Hanratty, subject to its being approved and consented to in form and substance, as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment, in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$9,663, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment as authorized by the above resolution was as follows:

October 11, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Felix Hanratty, for the construction of a railroad duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad (Route No. 18), Borough of The Bronx, Agreement "CS," together with a requisition upon your Honorable Board for the appropriation of the sum of Nine thousand six hundred sixty-three dollars (\$9,663), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on September 28, 1923, respectively totalling as follows:

Felix Hanratty	\$9,663.00
John Riches	11,636.00
Thos. Crimmins Contracting Co.....	12,502.00
Slattery Engr. & Constr. Co.....	12,850.00
Frank Persicano	13,673.50
Michael Del Balso.....	14,380.00
M. A. Charles.....	15,294.75
N. W. Ryan.....	15,316.50
F. H. Reynolds Contr. Co., Inc.....	15,445.00

The Chief Engineer of this Commission, in a communication dated October 2, 1923, reports that the bid of Felix Hanratty, the low bidder, is reasonable and that the said Felix Hanratty is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said Felix Hanratty, subject to its being consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Nine thousand six hundred sixty-three dollars (\$9,663), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund of said City may prescribe for the purposes of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Nine thousand six hundred sixty-three dollars (\$9,663).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By LEROY T. HARKNESS,
Acting Chairman.

1376—R. T. 7661

Route No. 78-A—Resolution Adopting Route and General Plan for St. Nicholas Avenue, Broadway and Fort Washington Avenue Route—Communication to Board of Estimate and Apportionment—Adopted

The following resolution was adopted:

ST. NICHOLAS AVENUE, BROADWAY AND FORT WASHINGTON AVENUE ROUTE.
(Route No. 78-A.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point in St. Nicholas Avenue at or near West 162nd Street where a connection can conveniently be made with other proposed rapid transit railroads; thence extending northerly as a subway or tunnel along and under St. Nicholas Avenue to a point in St. Nicholas Avenue at or near Broadway and West 169th Street; thence extending northerly along and under Broadway to a point in Broadway at or near West 173d Street; thence curving northwesterly across and under private property to a point in Fort Washington Avenue at or near West 174th Street; thence extending northerly under and along Fort Washington Avenue to a point in Fort Washington Avenue at or near West 175th Street, where a connection can conveniently be made with other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or subsurface structures or other special or local necessities, and at curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable, except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to any part of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purpose of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in one tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of roadway.

Station and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission, in cases of necessity and for such times as may be necessary, permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place. The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAPS OR DRAWINGS

It is Further Resolved, That the map or drawing entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 78-A, St. Nicholas Avenue, Broadway and Fort Washington Avenue Route, Borough of Manhattan," dated October 9, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment was as follows:

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on October 11, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Manhattan, City of New York, to be known as St. Nicholas Avenue, Broadway and Fort Washington Avenue Route (Route No. 78-A).

This route begins at a point in St. Nicholas Avenue at or near West 162d Street, in the Borough of Manhattan, where a connection can conveniently be made with other proposed rapid transit railroads and extends thence northerly under and along St. Nicholas Avenue to Broadway, thence continuing northerly under and along Broadway to West 173d Street; thence curving northwesterly across and under private property to a point in Fort Washington Avenue at or near West 174th Street; thence northerly under and along Fort Washington Avenue to West 175th Street, where a connection can conveniently be made with other proposed rapid transit railroads.

Dated October 11, 1923.

Attest:

JAMES B. WALKER,
Secretary.

TRANSIT COMMISSION,

By LEROY T. HARKNESS,
Acting Chairman.

1377—R. T. 7661

Route No. 78-B—Resolution Adopting Route and General Plan for Central Park, Eighth Avenue and St. Nicholas Avenue Route—Communication to Board of Estimate and Apportionment—Adopted

The following resolution was adopted:

CENTRAL PARK, EIGHTH AVENUE AND ST. NICHOLAS AVENUE ROUTE.
(Route No. 78-B.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such

details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point in Central Park at or near Central Park West opposite West 63d Street, where a connection can conveniently be made with other proposed rapid transit railroads; and extends thence as a subway or tunnel under and along Central Park northerly parallel and adjacent to Central Park West to a point in Central Park opposite West 107th Street; thence curving slightly westerly under the park and under and along Central Park West and Eighth Avenue to St. Nicholas Avenue and West 121st Street and thence extending northwesterly and northerly under and along St. Nicholas Avenue to a point at or near West 125th Street, where a connection can conveniently be made with other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

There shall be four (4) tracks for the entire route.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or sub-surface structures or other special or local necessities, and at curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street or near the westerly line of the park so far as may be found convenient and practicable, except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to any part of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in one tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half (8½) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for

siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of roadway.

Station and station entrances and exits may be built under the streets, under the park, or through private property to be acquired for the purpose or both under streets, under the park and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission, in cases of necessity and for such times as may be necessary, permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street," wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAPS OR DRAWINGS

It is Further Resolved, That the four (4) maps or drawings entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 78-B, Central Park, Eighth Avenue and St. Nicholas Avenue Route, Borough of Manhattan," and further marked "Key Map," and "Sheet No. 1," "Sheet No. 2," and "Sheet No. 3," respectively, all dated October 9, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby are adopted as showing the foregoing route and general plan for convenience merely and that said maps or drawings are not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment was as follows:

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on October 11, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Manhattan, City of New York, to be known as Central Park, Eighth Avenue and St. Nicholas Avenue Route (Route No. 78-B).

This route begins at a point in Central Park at or near Central Park West opposite West 63d Street in the Borough of Manhattan, where a connection can conveniently be made with other proposed rapid transit railroads and extends thence northerly along and under Central Park, parallel and adjacent to Central Park West to a point opposite West 107th Street; thence curving slightly westerly and extending northerly along and under Central Park West and Eighth Avenue to St. Nicholas Avenue and West 121st Street; thence northwesterly and northerly along and under St. Nicholas Avenue to West 125th Street, where a connection can conveniently be made with other proposed rapid transit railroads.

Dated October 11, 1923.

TRANSIT COMMISSION,
By LEROY T. HARKNESS,
Acting Chairman.

Attest:

JAMES B. WALKER,
Secretary.

1378—R. T. 6989

Route No. 18—Resolution Declaring Ready for Operation Additional Tracks at 180th Street Yard—Adopted

The following resolution was adopted:

Resolved, That, under and in pursuance of the provisions of the contract known as Contract No. 3 dated March 19, 1913, made between the City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, this Commission hereby declares the following additional tracks in the East 180th Street Yard of the White Plains Road Line, located between East 180th Street, the White Plains Road Line and Bronx Park as described in said Contract No. 3 to be ready for operation at 10:30 o'clock A. M. on Thursday, October 11, 1923.

Track B from a connection with the middle Track M of White Plains Road Line (approximate general stationing 390+00) to the northerly end of yard (approximate general stationing 400+63).

The above tracks to include all special work, bumpers and appurtenances within the designated limits.

1379—R. T. 7643

Contract No. 1—Communication from Board of Estimate and Apportionment Transmitting Report of President of Borough of Manhattan as to Suggestion for Opening to Public Traffic of Mezzanine Platform between Hotel Belmont and Grand Central Station—Communication to Interborough Rapid Transit Company—Approved

A communication was presented from the Board of Estimate and Apportionment dated March 9, 1923, submitting a copy of a report by the President of the Borough of Manhattan, relative to a suggestion from the 42nd Street Property Owners and Merchants Association, for the opening to public traffic, of the mezzanine platform across the tracks of the Grand Central Subway Station, between the Hotel Belmont and the Grand Central Station.

Upon motion duly seconded and adopted, the following communication to the Interborough Rapid Transit Company, was approved:

October 11, 1923.

MR. FRANK HEDLEY, Pres. & Gen. Mgr.,
INTERBOROUGH RAPID TRANSIT COMPANY,
165 Broadway, New York City.

Grand Central Station—Contract No. 1, Provision for Free Passageway at the Vanderbilt Avenue Mezzanine.

Dear Sir:

A request has been received from the Board of Estimate and Apportionment by letter dated March 9th, that studies be made relative to a suggestion that the mezzanine

platform across the tracks of the old Grand Central Subway Station between Hotel Belmont and the Grand Central Station, be opened as a thoroughfare, so as to provide a safe crossing for the public under 42nd Street.

The present arrangement of controls is such that this is not possible.

Suggestion has been made to you at various times to have the under-passageway between the diagonal station and the shuttle platforms widened for two-way traffic, so that it should not be necessary for the passengers transferring to use the passageway under the north side of 42nd Street. As pointed out to you on December 7, 1922, this will be advantageous to the Company in that it would save a change booth and would permit of the use of one less turnstile.

A proposed agreement for the construction of this widened passageway was transmitted to you recently. If this were constructed it would be possible for the public to cross under 42nd Street through this mezzanine without passing through the controls.

Will you kindly advise me whether the Interborough Rapid Transit Company would be willing to permit the mezzanine at Vanderbilt Avenue and 42nd Street to serve as a public thoroughfare, if the above connecting passageway between the shuttle platform and the diagonal station of the Lexington Avenue Line is widened, as shown on drawing No. 1005, File No. 47 print of which is transmitted herewith.

You will note that if the arrangement of controls is changed to permit of this, there will be a possible free thoroughfare which would permit the public to cross under the street similar to the conditions at the Chambers Street Station of the West Side Subway, the Times Square Station, the 14th Street Station of the West Side Subway and at other points. An early reply will be greatly appreciated.

Very truly yours,

JAMES B. WALKER,
Secretary.

1380—R. T. 7592

Route No. 11-B, Section No. 3—Form of Communication to New York Rapid Transit Corporation Requesting Notification of Acquiescence to Extension of Fourth Avenue Subway from 86th Street to 95th Street as an Extension—Approved

The following form of communication was approved:

October , 1923

W. S. MENDEN, Esq., President,
NEW YORK RAPID TRANSIT CORPORATION,
85 Clinton Street,
Brooklyn, N. Y.

Contract No. 4—Extension Fourth Avenue, 86th Street and 95th Street.

Dear Sir:

Article LXX of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, provides in part as follows:

"If the Commission shall determine to add any Extension to the Railroad it shall so inform the Lessee at least six months in advance of the time when the Lessee is to begin providing Additional Equipment for such Extension. *Within three months after the receipt of such notice the Lessee shall in writing inform the Commission whether it acquiesces in the addition of such Extension.*"

Under date of December 8, 1922 the Chairman of this Commission, in accordance with the provisions of said contract as aforesaid, notified Lindley M. Garrison, as Receiver of New York Municipal Railway Corporation, of the determination of this Commission to add to the present southerly terminus of Subdivision VII of the Broadway-Fourth Avenue Line of the Railroad as described in said Contract No. 4, the following Extension:

A two and three track underground railroad, beginning at a point in Fourth Avenue, in the Borough of Brooklyn, near 87th Street where a connection can be made with subdivision VII of the Railroad, and extending thence southerly under and along Fourth Avenue to a point in Fourth Avenue between 95th and 96th Streets, as more particularly shown on Drawing entitled "Route No. 11-B,

Section No. 3, Contract Drawing No. A1," dated December 1, 1922 and signed by Robt. Ridgway, Chief Engineer.

The Transit Commission has considered your letter of October 6, 1923 addressed to the Chief Engineer of the Commission referring to studies as to various details in the construction of such Extension and wherein you state "and it should be further understood that in making any recommendations as to arrangement * * * that this is being done informally and should in no way be construed as a consent by the lessee under Contract No. 4 to this extension."

The Commission is informed that the provision of the contract referred to imposes upon your company a contractual obligation with respect to notification to this Commission of acquiescence or non-acquiescence in the matter of adding an Extension to the Railroad under Contract No. 4 and that the contractual limitation of three months in respect to this Fourth Avenue Extension has long since expired. It is the opinion of the Commission that the said provision of Contract No. 4 was not intended and should not be used as a basis for discussion as to the very numerous details of the construction of a rapid transit railroad but that the unit of any Extension as a whole only should be considered. Moreover it is not believed that such provision should be used as a lever or vantage point to endeavor to force the construction of a type or character of any Extension thought preferable by the Lessee.

The Commission therefore requests that, without further delay, the New York Rapid Transit Corporation, in compliance with its obligation under Contract No. 4, notify this Commission as requested in the notice of December 8, 1922 aforesaid.

Very truly yours,

Secretary.

1381—R. T. 6334

Contract No. 3—Proposed Agreement and Stipulation with Interborough Rapid Transit Company for Reconstruction of Entrance to Dyckman Street Station—Approval Resolution

The following resolution was adopted:

Whereas, The City of New York acting by the Transit Commission and Interborough Rapid Transit Company are about to enter into an agreement dated August 24, 1923 providing for the reconstruction of the entrance to the Dyckman Street station of the Manhattan-Bronx Rapid Transit Railroad of the Existing Railroads as described in the contract dated March 19, 1913 known as Contract No. 3, as an Addition to Construction as defined in said Contract No. 3; and

Whereas, Interborough Rapid Transit Company has submitted in connection therewith a proposed stipulation dated August 30, 1923 between The City of New York, acting by the Transit Commission and said Interborough Rapid Transit Company wherein it is agreed that the execution of the proposed agreement as aforesaid shall be without prejudice and should not be construed as a precedent in respect of any future work of a similar nature; and

Whereas, Counsel has examined said proposed stipulation and recommends that it be approved, executed and delivered,

Resolved, That said proposed stipulation so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed stipulation for and on behalf of this Commission.

1382—R. T. 7367

Routes Nos. 35 & 67—Letter from Counsel Submitting Proposed Agreement for Modification of Ventilator Chamber in Front of Premises at Nos. 119-127 West 41st Street, Borough of Manhattan—Approval Resolution

A letter was presented from Counsel dated October 4, 1923, transmitting a proposed agreement with the Rudolph Wurlitzer Company, for the modification of the construction of the ventilator chamber located in front of the premises Nos. 119-127 West 41st Street, Borough of Manhattan, and advising of the deposit by the owner of a certified

check in the sum of \$3,000 payable to the City of New York, in full satisfaction of its obligations under the proposed agreement.

The following resolution was adopted:

Whereas, Counsel, with his letter dated October 4, 1923, has submitted to this Commission a proposed agreement between The Rudolph Wurlitzer Company and The City of New York, acting by the Transit Commission, for the modification of construction of a ventilator chamber located in front of the premises Nos. 119-127 West Forty-first Street, in the Borough of Manhattan, and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, Said proposed agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they are hereby authorized to execute the same.

1383—R. T. 7536

Route No. 8, Sections Nos. 1-5—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Additional Broken Stone Ballast under Contract for Installation of Tracks—Approval Resolution

A report was presented from the Chief Engineer, dated October 5, 1923, recommending the establishment of a supplementary schedule item, as described below.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item No. 3000 of the contract dated October 25, 1922, between The City of New York acting by the Commission and the T. H. Reynolds Contracting Company, Inc. for the installation of tracks for the 14th Street-Eastern Line, Route No. 8, Sections 1 to 5 inclusive, having subject to the approval of the Commission agreed with the said contractor upon the following supplementary schedule item:

Item 4-X—For furnishing and placing in the Works additional Class "A" broken stone ballast outside of the net lines for payment, covered by the regular unit prices of the contract, exclusive of Item 1-X, the sum of \$4.25 per cubic yard.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1384—R. T. 7457

Route No. 18—Application by Rosenthal Engineering Contracting Company, Inc., for Approval of Assignment of \$23,608.56 under Contract for Construction of Inspection Shed Enclosure in 180th Street Yard—Approval Resolution

An application was presented from Rosenthal Engineering Contracting Company, Inc., dated October 6, 1923, requesting approval of a proposed assignment to the First National Bank of Brooklyn of retained percentages amounting to \$23,608.56, under the contract for the construction of an inspection shed enclosure in the 180th Street Yard.

The following resolution was adopted:

Whereas, On or about the 26th day of June, 1922, The City of New York, acting by the Transit Commission, entered into a contract with Rosenthal Engineering Contracting Company, Inc., for construction of inspection shed enclosure in the 180th Street Yard of the White Plains Road Rapid Transit Railroad, (Route No. 18) in the Borough of Bronx, City of New York; and

Whereas, Said Rosenthal Engineering Contracting Company, Inc., has submitted to the Transit Commission a proposed assignment dated the 6th day of October, 1923, assigning Twenty-three thousand, six hundred and eight 56/100 dollars (\$23,608.56) moneys due or to grow due under or on account of said contract to the First National

Bank of Brooklyn and in accordance with the provisions of said contract and the requirements of law have requested this Commission to consent to said proposed assignment,

Resolved, That said assignment aforesaid now submitted to the Transit Commission be and the same hereby is approved subject to the terms and conditions in said contract contained and upon the conditions following:

First: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no way defeat or impair such rights and remedies as sub-contractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or materials furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no respect affect the right of The City of New York or of the Transit Commission or of any Board, Officer, agent or employee acting for or on behalf of The City of New York or of the Transit Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to persons or property) such rights as well as all other rights of The City of New York and the Transit Commission to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: The consent of the Transit Commission to said assignment herein given shall take effect if, when and only when the sureties upon the bond deposited as security for the faithful performance on the part of the contractor of its obligations under said contract shall consent in writing to said assignment and the conditions of this resolution in form to be approved by Counsel to the Commission and further until the assignee under said assignment, the First National Bank of Brooklyn shall consent and accept the terms and conditions of this resolution, in form to be approved by Counsel to this Commission.

1385—R. T. 7589

Contract No. 3—Application by Rosenthal Engineering Contracting Company, Inc., for Approval of Assignment of \$26,786.17 under Contract for Foundations for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Approval Resolution

An application was presented from Rosenthal Engineering Contracting Company, Inc., dated October 6, 1923, requesting approval of a proposed assignment to the First National Bank of Brooklyn of retained percentages amounting to \$26,786.17 under the contract for the construction of foundations for the Third Addition to Shops at the Lenox Avenue and 148th Street Yard.

The following resolution was adopted:

Whereas, On or about the 26th day of December, 1922, The City of New York, acting by the Transit Commission, entered into a contract with Rosenthal Engineering Contracting Company, Inc., for construction of foundations for third addition to shops at the Lenox Avenue and 148th Street Yard in the Borough of Manhattan, City of New York; and

Whereas, Said Rosenthal Engineering Contracting Company, Inc., has submitted to the Transit Commission a proposed assignment dated the 6th day of October, 1923, assigning Twenty-six thousand, seven hundred eighty-six dollars and seventeen cents (\$26,786.17) moneys due and to grow due under or on account of said contract to the First National Bank of Brooklyn and in accordance with the provisions of said contract and the requirements of law have requested this Commission to consent to said proposed assignment.

Resolved, That said assignment aforesaid now submitted to the Transit Commission be and the same hereby is approved subject to the terms and conditions in said contract contained and upon the conditions following:

First: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no way defeat or impair such rights and remedies as sub-

contractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no respect affect the rights of The City of New York or of the Transit Commission or of any Board, Officer, agent or employee acting for or on behalf of The City of New York or the Transit Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York and the Transit Commission to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: The consent of the Transit Commission to said assignment herein given shall take effect if, when and only when the sureties upon the bond deposited as security for the faithful performance on the part of the contractor of its obligations under said contract shall consent in writing to said assignment and the conditions of this resolution in form to be approved by Counsel to the Commission and further until the assignee under said assignment. The First National Bank of Brooklyn shall consent and accept the terms and conditions of this resolution, in form to be approved by Counsel to this Commission.

1386—R. T. 7103, 6423

Contract No. 3—Report by Auditor of Rapid Transit Costs Making Recommendations as to Available Unexpended Balance of Contribution to Cost of Construction by Interborough Rapid Transit Company—Letter from Counsel Suggesting Copies Be Sent to Department of Finance, Board of Estimate and Apportionment and Corporation Counsel—Approved

The following report by the Auditor of Rapid Transit Costs was approved:

October 3, 1923.

FROM: FREDERICK WILCOCK, Auditor of Rapid Transit Costs.

TO: WILLIAM G. FULLEN, Counsel.

SUBJECT: *Balance of I. R. T. Co. Contribution to Construction under Contract No. 3.*

In a communication to the Transit Commission dated September 24, 1923, which you have referred to me, Mr. Frank Hedley, President and General Manager of the Interborough Rapid Transit Company, defines the Company's position in regard to the cash balance of the contribution to the cost of construction under Contract No. 3.

The figures given by Mr. Hedley are in agreement with our record. The balance of the contribution can be made available, in my opinion, by the following procedure:

1. The Commission should certify to the Comptroller, in accordance with Article XVII of Contract No. 3, that the Interborough Rapid Transit Company, having substantially completed its contribution, with the exception of the amount now on deposit with the Comptroller to secure the performance of the construction features of the contract, is entitled to the return of the Liberty Bonds costing \$180,842.19, in order that the proceeds of the sale of these bonds may be expended on construction.

2. The Interborough Rapid Transit Company should be given the definite assurance that there will be no further liabilities against it on account of any of the tripartite construction contracts under which it states there are contingent liabilities totaling \$1,163,308.52. It would appear by the provisions of the several tripartite construction contracts (Article XXXVIII) that no further vouchers are to be drawn against the Interborough Rapid Transit Company for the reason that the final voucher against the Interborough Rapid Transit Company under a tripartite contract is for the final estimate, and the settlement of claims would be subsequent to the final estimate. Furthermore, by Article XII of Contract No. 3, should such claims accrue against the Interborough Rapid Transit Company, "the City shall on demand of the Lessee properly settle and pay such claim or claims." If you agree that the assurance may properly be given, it is

suggested, in view of the possibility that the City authorities will dispute the amount of the contribution as determined by the Chief Engineer of the Commission and accepted by the Commission, that the Corporation Counsel join with the Commission in giving the assurance requested by the Interborough Rapid Transit Company.

If the two actions above recommended are taken, the balance stated at \$210,521.50 in excess of the known obligations, would be released immediately for new construction.

Under the head of known obligations Mr. Hedley lists amounts aggregating \$142,494.93 on account of payments due under construction contracts on estimates approved by the Transit Commission. In the cases of the Rapid Transit Subway Construction Company, and Booth and Flinn, Assignee, payment of the amounts was refused by the contractors in connection with their final estimates in order to prevent the operation of the waiver which is effected by the acceptance of the final estimate under the construction contracts. The amount of \$137,946.71 unpaid to the Rapid Transit Subway Construction Co., could be reduced to a nominal amount if the Comptroller would enter into a stipulation with the contractor permitting the payment of substantially the entire final estimate, without a waiver of the contractor's rights to sue for claims for extra work. The amount of \$4,500.00 reserved from estimates of the Inter-Continental Construction Corp. was retained on account of a lien of Realty Associates served June 14, 1920. Inasmuch as the Inter-Continental Construction Corporation has been declared in default under its construction contract, it would seem advisable for the Commission to make efforts to have the lien discharged.

FREDERICK WILCOCK,
Auditor of Rapid Transit Costs.

The communication from the Interborough Rapid Transit Company was as follows:

September 24, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Gentlemen:

Under date of September 7, 1923, Mr. James B. Walker, Secretary of your Commission, transmitted to me certified copy of a resolution adopted by your Commission, which directs and authorizes this Company to perform the work of constructing a temporary inspection shed, north of and contiguous to the original shop at 148th Street and Lenox Avenue, and charge the cost thereof to its contribution towards the cost of Construction under and in accordance with the provisions of Contract No. 3.

I wish to advise you that this Company will perform the work as directed and authorized and charge the cost thereof as a part of its contribution towards the cost of Construction under Contract No. 3, upon the distinct understanding, however, that the acceptance of this charge against our Construction Contribution shall in no way be construed as a precedent and that the work is undertaken by the company because of the urgent need for the shops.

It seems only proper for me to point out at this time the situation with respect to the Construction Contribution Account, in view of the various requests which we have received from your Commission for further expenditures.

The agreed amount of the Company's contribution to Construction to March 31st, 1922 as evidenced by the recent stipulations was \$57,487,793.79. This has, however, been increased to June 30th, 1923 by \$125,591.34, making a total to the latter date of \$57,613,385.13. The difference between this last amount and \$58,000,000.00 less additional debt discount—\$11,598.44—is yet to be contributed by the Company.

The cash contribution to be made as of June 30th, 1923, is \$375,016.43.

Deduct the known obligations—

Payments due under construction contracts on estimates approved by
the Transit Commission:

Rapid Transit Subway Cons. Co.....	\$137,946.71
Booth & Flinn, Assignee.....	48.22
Inter-Continental Constr. Cor.....	4,500.00

	<u>\$142,494.93</u>	
Temporary inspection shed in 148th Street Yard.....	22,000.00	<u>\$164,494.93</u>

Remainder of the cash expenditures to complete the \$58,000,000 contribution \$210,521.50

The Company's contingent liability under the tripartite construction contracts is as follows:

Rapid Transit Subway Cons. Co.....	\$79,623.96	
Booth & Flinn, Assignee.....	195,119.51	
Inter-Continental Con. Corp.....	288,962.37	
Newman & Carey Subway Cons. Co.....	293,543.78	
Dock Contractor Company.....	306,058.90	\$1,163,308.52

There is on deposit with the City of New York, securing the performance of the construction features of the contract, Liberty Bonds costing \$180,842.19, which should be released by the City before the Company is called upon to expend that amount for construction. In other words, the free balance of the Company's contribution to construction at June 30th, 1923 was approximately \$30,000 against which there are contingent liabilities under the tripartite construction contracts aggregating well over \$1,000,000.

In view of the foregoing, I reluctantly state that it will be impossible for the company to accede to any further requests for the expenditure of any moneys from the Construction Contribution Account until the company is definitely assured that there will be no further liabilities against it on account of the tripartite construction contracts.

Yours very truly,
FRANK HEDLEY,
President & General Manager.

A report was presented from Counsel dated October 8, 1923 suggesting that copies of the above report and communication be sent to the Department of Finance, Board of Estimate and Apportionment and Corporation Counsel, which letters of transmittal were as follows:

"I transmit herewith, a copy of a letter dated September 24, 1923, addressed to the Commission by the Interborough Rapid Transit Company, relative to the subject of its contribution toward the cost of construction required by Contract No. 3 and also a copy of a report dated October 3, 1923, from the Auditor of Rapid Transit Costs to me on the same matter.

I would appreciate it if you would examine these letters and advise me if, in your opinion, in so far as they may effect your department, any of the recommendations could be carried out.

Sincerely yours,

Counsel."

1387—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for Flues, Dampers, Boiler Sheeting and Ash and Sifting Hoppers for New Boilers at 59th Street Power House—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated September 24, 1923, requesting approval of a proposed contract with the Bergen Point Iron Works for the manufacture, delivery and installation of flues, dampers, boiler sheeting and ash and sifting hoppers for the two new boilers to be installed at the 59th Street Power Station at a total cost of \$29,700.

A report was presented from Consulting Engineer, Dr. Charles E. Lucke, dated September 26, 1923, stating that the drawings and specifications are satisfactory and recommending that the proposed contract be approved, which report was endorsed by the

Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad and assigning Work Order No. D-11-A.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922 the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, Pursuant to said authority this Commission by resolution adopted July 10, 1923, approved the proposed contract between the Interborough Rapid Transit Company and Babcock & Wilcox Company for the manufacture, delivery and installation in the 59th Street Power House of four 1140 H. P. B. & W. Boilers and three B. & W. superheaters complete ready for installation at the total cost of \$130,583; and

Whereas, The Consulting Engineer, Dr. Charles E. Lucke, by communication dated September 26, 1923 has reported that the Interborough Rapid Transit Company by letter dated September 24, 1923 has requested the approval of this Commission to the proposed contract between said Interborough Rapid Transit Company and Bergen Point Iron Works for the manufacture, delivery and installation of flues, dampers, boiler sheeting, and ash and sifting hoppers for the two new boilers to be installed as aforesaid, at a total cost of \$29,700; that the following bids were received for such work:

The Bergen Point Iron Works.....	\$29,700
Shevlin Engineering Co.....	31,260
M. H. Treadwell Co., Inc.....	39,020
C. B. Nicholson & Co. Representing Connery & Co., Inc.....	35,365
Lasker & Minch and the Allen-Sherman-Hoff Co. declined to bid.	

that the drawings and specifications have been examined into by the engineers of the Commission and found satisfactory and recommends the approval of said proposed contract; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated October 6, 1923 has recommended that the cost under said proposed contract be classified as Additional Equipment for the Railroad and that Work Order No. D-11-A be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed contract so submitted be and the same hereby is approved; the cost of such work to be classified as Additional Equipment for the Railroad as described in said Contract No. 3 and as to which this Commission assigns Work Order No. D-11-A.

1388—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for 8 Cast Steel Gate Valves for 59th Street Power House—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated September 12, 1923, requesting approval of a proposed contract with the Chapman Valve Manufacturing Company, for the manufacture and delivery of 8 cast steel gate valves with 1 extra control station for installation at the 59th Street Power House, at a cost of \$3,806.

A report was presented from Consulting Engineer, Dr. Charles E. Lucke, dated October 6, 1923, recommending that the application be approved, which report was

endorsed by the Auditor of Rapid Transit Costs, classifying the work as **Additional Equipment** for the Railroad, and assigning Work Order No. D-17-A thereto.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922, the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, Pursuant to said authority this Commission by resolution adopted July 10, 1923, approved the proposed contract between the Interborough Rapid Transit Company and Babcock & Wilcox Company for the manufacture, delivery and installation in the 59th Street Power House of four 1140 H.P. B. & W. Boilers and three B. & W. superheaters complete ready for installation at the total cost of \$130,583; and

Whereas, The Consulting Engineer, Dr. Charles E. Lucke, by communication dated October 6, 1923 has reported that the Interborough Rapid Transit Company by letter dated September 12, 1923, as supplemented by letter dated September 26, 1923 has requested the approval of this Commission to a proposed contract between said Interborough Rapid Transit Company and Chapman Valve Mfg. Co. for the manufacture and delivery of eight cast steel gate valves, together with one extra control station for closing only, the total cost of such valves being \$3,806.00; that the following bids were received for such work:

Chapman Valve Mfg. Co.....	\$3,806.00
Pittsburgh Valve & Foundry Co.....	6,233.00
Reading Steel Casting Co.....	4,947.36

that the form of contract, bids and specifications are satisfactory and recommend the approval of said proposed contract; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated October 9, 1923 has recommended that the cost under said proposed contract be classified as **Additional Equipment** for the Railroad under said Contract No. 3 and that Work Order No. D-17-A be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that said proposed contract so submitted be and the same hereby is approved, the cost of such work to be classified as **Additional Equipment** for the Railroad as described in said Contract No. 3 and as to which this Commission assigns Work Order No. D-17-A.

1389—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Contract for Twenty Cast Steel High Pressure Valves for New Boilers at 59th Street Power House—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated September 29, 1923, requesting approval of the proposed contract with the Nelson Valve Company for the manufacture and delivery of twenty cast steel high pressure valves for the two new boilers to be installed at the 59th Street Power House at a cost of \$3,305.80.

A report was presented from Consulting Engineer Dr. Charles E. Lucke recommending that the application be approved, which report was endorsed by the Auditor

of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad and assigning Work Order No. D-17-A thereto.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922 the application of the Interborough Rapid Transit Company pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the installation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, Pursuant to said authority this Commission by resolution adopted July 10, 1923, approved the proposed contract between the Interborough Rapid Transit Company and Babcock & Wilcox for the manufacture, delivery and installation in the 59th Street Power House of four 1140 H. P. B. & W. Boilers and three B. & W. superheaters complete ready for installation at the total cost of \$130,583; and

Whereas, The Consulting Engineer, Dr. Charles E. Lucke, by communication dated October 6, 1923 has reported that Interborough Rapid Transit Company by letter dated September 29, 1923 has submitted for the approval of this Commission a proposed contract between said Interborough Rapid Transit Company and Nelson Valve Co. for the manufacture and delivery of twenty cast steel high pressure valves for the two new boilers to be installed in the 59th Street Power House as aforesaid, the total cost of such valves being \$3,305.80; that the following bids were received for such work:

Nelson Valve Co.....	\$3,305.80	Contract Items 1-2-3
Crane Company	4,050.20	Contract Items 1-2-3
The Edward Valve Mfg. Co. Bid...	4,350.00	Contract Items 1-2-3
Alternate Bid	4,813.76	Contract Items 1-2-3

The following named companies bid on one or two items of the contract, as shown, but did not bid on all three items.

The Hancock Inspirator Co.....	\$474.00	Contract Item 2 Only
Foster Engineering Co.....	1,800.00	Contract Item 1 Only

that the form of contract, bids and specifications are satisfactory and recommend the approval of said proposed contract; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated October 9, 1923 has recommended that the cost under said proposed contract be classified as Additional Equipment for the Railroad under said Contract No. 3 and that Work Order No. D-17-A be assigned thereto.

Resolved, That said reports and recommendations be and the same hereby are approved; that said proposed contract so submitted be and the same hereby is approved, the cost of such work to be classified as Additional Equipment for the Railroad as described in said Contract No. 3 and as to which this Commission assigns Work Order No. D-17-A.

1390—R. T. 7333

Manhattan Elevated Lines—Application by Interborough Rapid Transit Company for Approval of Drawings for Walkway Connection between 133rd Street Station and Willis Avenue Station of New York, Westchester and Boston Railway Company—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated September 14, 1923, requesting approval of Drawings Nos. 22924 and 22925, being the general plan and foundation plan of the proposed walkway connection between the

133rd Street Station of the Manhattan Elevated Railroad and the Willis Avenue Station of the New York, Westchester and Boston Railway Company.

A report was presented from the Chief Engineer dated October 5, 1923, stating that the drawings are satisfactory from an engineering standpoint and recommending that the application be approved.

- The following resolution was adopted:

Whereas, By resolution adopted December 24, 1918 the Public Service Commission for the First District, pursuant to the provisions of the certificate dated March 19, 1913 granted by said Commission to Manhattan Railway Company for additional tracks and facilities, approved a proposed contract between Manhattan Railway Company, Interborough Rapid Transit Company, Harlem River and Portchester Railroad Company, The New York, New Haven and Hartford Railroad Company and New York, Westchester and Boston Railroad Company, providing for direct physical connection between the 133rd Street Station of the Manhattan Elevated Railroad Company in the Borough of The Bronx, City of New York; and

Whereas, By resolution adopted December 31, 1918 the said Public Service Commission for the First District approved Contract Drawing No. 5654 showing proposed walkway between the Willis Avenue Station of the New York, Westchester and Boston Railway Company and the 133rd Street Station of the Third Avenue Elevated Line submitted by Interborough Rapid Transit Company; and

Whereas, By resolution adopted August 20, 1923 the Transit Commission approved a proposed drawing, submitted by Graham, McMahon, Buell and Knox, as Attorneys for the New York, Westchester and Boston Railway Company, entitled: N. Y. W. & B. Ry., N. Y. N. H. & H. R. R., Plan showing proposed 133rd Street Station, Harlem River, Borough of The Bronx, New York City, dated April 28, 1923 and revised July 6, 1923; and

Whereas, By communication dated September 14, 1923 Interborough Rapid Transit Company has submitted for the approval of this Commission duplicate tracings of its Drawings Nos. 22924 and 22925, being general plan and foundation plan respectively of the walkway connection between the 133rd Street Station of the Manhattan Elevated Railroad Company, in the Borough of The Bronx, City of New York, and the Willis Avenue Station of the New York, Westchester and Boston Railway Company, which said drawings amplify the drawing submitted by the Attorneys for the New York, Westchester and Boston Railway Company and approved by this Commission on August 20, 1923 as aforesaid; and

Whereas, The Chief Engineer of this Commission, by communication dated October 5, 1923, has reported that said drawings so submitted by the Interborough Rapid Transit Company are satisfactory from an engineering standpoint and recommends that they be approved,

Resolved, That the said report and recommendation be and the same hereby is approved and that the said Drawings Nos. 22924 and 22925, submitted by the Interborough Rapid Transit Company as aforesaid, be and the same hereby are approved.

1391—R. T. 6481

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Price for Car Brake Shoes for Fourth Quarter of Year 1923—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated October 1, 1923, requesting approval of the price of \$65.00 per net ton, F. O. B. Mahwah, N. J., to be paid in the Fourth Quarter of the year 1923, under the contract with the American Brake Shoe and Foundry Company, for car brake shoes.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 5, 1923, recommending that the application be approved,

which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Operating Materials and Supplies.

The following resolution was adopted:

Whereas, This Commission, by resolution adopted on November 9, 1921, as amended by resolution adopted on November 22, 1921, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation consented to a proposed contract to be entered into between The Receiver of the New York Consolidated Railroad Company (assignee of New York Municipal Railway Corporation of the maintenance and operating provisions of said Contract No. 4) with American Brake Shoe and Foundry Company for the purchase of car brake shoes in connection with the operation of the Railroad and Existing Railroads under said Contract No. 4 "the price of said shoes varying," provisions being made in said proposed contract for revising the prices on the first day of January, April, July and October, the revised price to prevail for the succeeding three months, which resolution further provides that each new price fixed in accordance with the provisions of said proposed contract shall be submitted to this Commission for approval; and

Whereas, By communication dated October 1, 1923 New York Rapid Transit Corporation as successor to all the rights and obligations under said Contract No. 4 has requested the approval of this Commission to a price of \$65.00 per net ton, F. O. B. Mahwah, N. J., to be paid in the Fourth Quarter of 1923; and

Whereas, By communication dated October 5, 1923 the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that the said price of \$65.00 for the Fourth Quarter of the year 1923 in view of the present material and labor costs is reasonable and recommend that said application be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated October 8, 1923 has recommended that the cost of such material be classified as operating materials and supplies,

Resolved, That the fixation of \$65.00 per net ton, F. O. B. Mahwah, N. J. as of October 1, 1923 for the supply of car brake shoes under said Contract with American Brake Shoe and Foundry Company approved as aforesaid to prevail during the Fourth Quarter of the year 1923 be and the same hereby is approved.

1392—R. T. 7367

Routes Nos. 35 & 67—Reports by Chief Engineer Recommending Construction of Westerly End of Queensboro Subway Extension without Consideration of Connection for a Future Eighth Avenue Subway—Approved

The Commission approved reports by the Chief Engineer dated September 6, 1923, and October 1, 1923, recommending approval of the construction of the westerly end of the Queensboro Subway Extension—Routes Nos. 35 & 67, as indicated on the contract drawings, without consideration for a connection to a future Eighth Avenue Subway.

1393—R. T. 6080

Contract No. 3—Report by Real Estate Clerk Recommending Cancellation of Concession to Daly Brothers on North Side of West 145th Street and Harlem River and that Negotiations Be Made for Separate Rental Arrangements with Sub-tenants—Approval Resolution

A report was presented from the Real Estate Clerk dated October 8, 1923, recommending that the present rental agreement with Daly Brothers affecting the premises on the northerly side of West 145th Street and the Harlem River, Borough of Manhattan, be cancelled as of October 31, 1923; and that he be authorized to negotiate sepa-

rate rental arrangements with the sub-tenants, for permission to occupy portions of the property.

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of October 8, 1923, has reported that Daly Brothers Company, a temporary tenant on property of The City of New York, under the jurisdiction of this Commission, originally acquired for the purpose of the Lenox Avenue Yard, at West 145th Street and the Harlem River, Borough of Manhattan, by virtue of an application to the Commission, dated August 5, 1921, duly approved by the Commission August 9, 1921, has been persistently remiss in the payment of the rental provided for in its rental agreement with the Commission, is endeavoring to secure an undue rental profit from subletting and has been otherwise at fault, recommending that its rental agreement with the Transit Commission be cancelled as of the end of the month of October, 1923, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, cancel the existing rental arrangement with Daly Brothers Company as provided for in the said application dated August 5, 1921, approved by resolution of the Commission dated August 9, 1921, constituting the rental agreement with the Transit Commission, acting for The City of New York, and Daly Brothers Company, effective as of the end of the month of October, 1923, and that the Secretary be, and he hereby is, authorized and directed to advise the said Daly Brothers Company of this action, without prejudice, however, against Daly Brothers Company applying anew to the Commission for permission to occupy such part (or any portion thereof) of its original concession as it shall not have sublet.

1394—R. T. 6080

Route No. 5, Section No. 15—Application by Peter Schneider for Permission to Continue in Occupancy of Premises on South Side of East 157th Street between River and Gerard Avenues, Borough of The Bronx—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Peter Schneider, dated October 8, 1923, requesting permission to continue in occupancy of the premises on the southerly side of East 157th Street between River and Gerard Avenues, Borough of The Bronx, for a period of one year from October 16, 1923.

A report was presented from the Real Estate Clerk dated October 8, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Peter Schneider of No. 371 East 165th Street, Borough of The Bronx, New York City, has made application under date of October 8, 1923, for permission to continue in occupancy of the concession now held by him on the southerly side of East 157th Street between River and Gerard Avenues, Borough of The Bronx, for a period terminating October 16, 1923, agreeing to pay rental for the balance of the present season—that is, from October 16th to October 31st, inclusive, 1923, at the rate of \$400.00 per month to carry the concession over the winter months at the rate of \$100.00 per month and to pay \$300.00 per month for the period beginning April 16, 1924, and ending October 16, 1924, and also agreeing to vacate on thirty (30) days' notice if the property is required for any public purpose, or is sold, or on fifteen (15) days' notice for failure to pay rental promptly or for breach of terms and to remove the non-fireproof structures now on the premises and to certain other terms as more particularly set forth in the said application; and

Whereas, The Real Estate Clerk, under date of October 8, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application of Peter Schneider, dated October 8, 1923, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission upon said application.

1395—R. T. 6284

Fourth Avenue Subway—Memorandum from Real Estate Clerk Submitting Proposed Reply to Offer of Frank A. Slocum for Purchase of Property at Flatbush Avenue and Fulton Street, Borough of Brooklyn—Approved

A memorandum was presented from the Real Estate Clerk, dated October 9, 1923, submitting a proposed reply to the offer of Frank A. Slocum, dated September 21, 1923, for the purchase of the property at the corner of Flatbush Avenue Extension and Fulton Street, Borough of Brooklyn, for the sum of \$750,000.

The following reply was approved:

October 11, 1923.

Mr. FRANK A. SLOCUM,
188 Montague Street,
Brooklyn, N. Y.
Dear Sir:

Referring to your letter of September 21, 1923, addressed to Mr. Schermerhorn of the Real Estate Bureau of this Commission, in which you state that you have an offer of \$750,000. for the property under the jurisdiction of this Commission at the corner of Flatbush Avenue Extension and Fulton Street, Borough of Brooklyn:

Please be advised that this property is withheld from the market at the present time because of its contemplated partial use for rapid transit purposes. It is not possible at this time to determine just how much of the property will be required for such purposes and for that reason no conveyance could be made which would set forth accurately the rights to be retained by the City.

As you are probably aware, this property could not be sold by the Transit Commission without the express separate approval of the Commissioners of the Sinking Fund of The City of New York, and then it is practically a settled policy that such property shall be offered at public auction at least once before its sale by private purchase will be considered by the public authorities.

We thank you for your offer and will keep you advised of any developments contemplating the sale of this property.

Very truly yours,
JAMES B. WALKER,
Secretary.

1396—Case 1379

New York Rapid Transit Corporation—Monthly Reports—Extension Order Adopted

The Secretary presented a communication, dated August 29, 1923, from M. B. Hoffman, Assistant Counsel, The New York Rapid Transit Corporation requesting an extension of time to November 1, 1923, within which to file monthly report for July.

The Secretary also presented a report, dated October 3, 1923, from H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending the granting of the application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1379, granting the desired extension of time.

1397—Case 1379

The Brooklyn Heights Railroad Company et al.—Monthly Reports—Extension Order Adopted

The Secretary presented a communication, dated August 29, 1923, from M. B. Hoffman, Assistant Counsel, requesting on behalf of The Brooklyn Heights Railroad

Company, Brooklyn, Queens County & Suburban Railroad Company, Coney Island and Brooklyn Railroad Company, and Lindley M. Garrison, as Receiver of said Company, The Nassau Electric Railroad Company, Coney Island and Gravesend Railway Company, and South Brooklyn Railway Company, an extension of time to September 15, 1923, to file monthly report for July, 1923.

The Secretary also presented a report, dated October 3, 1923, from H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending granting of the application and stating reports already filed.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1379, granting the desired extension of time and providing that the order take effect nunc pro tunc as of September 4, 1923.

1398—Case 2676

Fifth Avenue Coach Company—Monthly and Quarterly Reports—Extension Order Adopted

The Secretary presented a communication dated October 2, 1923, from the Fifth Avenue Coach Company, requesting an extension of time to October 15, 1923 to file monthly report for July 1923, to October 31, 1923, to file monthly report for August 1923, and to October 15, 1923, to file quarterly report for quarter ended June 30, 1923.

The Secretary also presented a report dated October 3, 1923, by H. S. Fischer, Statistician, approved by Chief of Bureau of Accounts and Valuations, recommending granting of application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2676 granting the desired extensions of time.

1399—Case 2690

Street Railroad Corporations—Form of Annual Report—Report by Statistician Relative to Failure of Certain Companies to File Records—Referred to Counsel

The Secretary presented a report, dated October 9, 1923, by H. S. Fischer, Statistician, approved by Frederick Wilcock, Acting Chief, Bureau of Accounting & Valuations, advising that Brooklyn-Manhattan Transit Corporation, Marine Railway Company, Receivers of New York and North Shore Traction Company, Second Avenue Railroad Company, Southfield Beach Railroad Company, Williamsburg Power Plant Corporation, Concourse Bus Line, Inc. and Nassau Bus Line, Inc. had not filed their annual reports and had not requested extensions of time to file same.

Thereupon the above mentioned report was referred to Counsel to the Commission.

1400

Open Cases—Motion Designating Committee to Examine Into Pending Open Cases and to Report—Adopted

On motion duly seconded and carried the Commission designated the Counsel to the Commission, the Secretary and the Acting Chief Executive Officer to examine into pending open cases and to report their recommendation as to the disposition thereof.

1401—Case 2679

New York Rapid Transit Corporation—Reorganization—Communication from Company Transmitting Counterpart Originals of Mortgages and Trust Indenture—Filed

The Secretary presented a communication dated October 5, 1923 from the New York Rapid Transit Corporation by Otis Everett, Assistant Secretary, transmitting for filing pursuant to Section VIII of the Order in Case No. 2679 adopted September 14, 1923, the following documents:

- (1) First and Refunding Mortgage of the New York Rapid Transit Corporation to Central Union Trust Company as Trustee, dated as of July 2, 1923, to which was attached counterpart original of stockholders' consent to mortgage and certificate of such consent,
- (2) Refunding Mortgage of New York Rapid Transit Corporation to The Chase National Bank of The City of New York, dated as of July 2, 1923, with counterpart original of stockholders' consent to such mortgage and certificate of such consent,
- (3) Trust Indenture between Brooklyn-Manhattan Transit Corporation and The Chase National Bank of The City of New York as Trustee, dated as of July 2, 1923,
- (4) Trust Mortgage of Williamsburgh Power Plant Corporation to Central Union Trust Company of New York, as Trustee, and
- (5) General Mortgage of Williamsburgh Power Plant Corporation to The Chase National Bank of The City of New York as Trustee.

Thereupon the above mentioned papers were ordered filed.

1402

Transit Commission vs. the Brooklyn City Railroad Company et al.—Mandamus Actions to Compel Resumption of Service—Communication to Attorney General—Filed

The Secretary presented a communication dated October 3, 1923, to the Attorney General of the State of New York, advising that the four mandamus proceedings begun by the Commission against The Brooklyn City Railroad Company et al. to compel resumption of service on the Park Slope Line, the 39th Street-Coney Island Line, the Tompkins-Culver Line and the Sixteenth Avenue Line would be heard on October 8, 1923 in Special Term, Part I, Kings County Supreme Court.

Thereupon the above mentioned communication was ordered filed.

1403—R. T. 6578

Route No. 12, Section No. 2—Report by Chief Engineer Transmitting Certificate of Expense Incurred by City in Completion of Contract as Result of Default by Inter-Continental Construction Corporation—Report by Counsel Suggesting that Certificate Be Filed and that Certified Copies Be Sent to Corporation Counsel, Comptroller and Contractors—Approved and Ordered Filed

The Commission approved and ordered filed the following certificate by the Chief Engineer:

October 6, 1923.

TO: TRANSIT COMMISSION.

Subject: *Route 12, Section 2, Certificate of Expense Incurred by City in the Completion of Construction.*

Pursuant to the provisions of Article LXIII of the contract dated June 3, 1915 with the Inter-Continental Construction Corporation for the construction of Route 12,

Section 2, Eastern Parkway Rapid Transit Railroad, I hereby certify that the amount of the expense incurred by the City in the completion of the Works is as follows:

Payments Prior to Default

Amount certified for payment to Inter-Continental Constr. Corporation by Interborough Rapid Transit Co.....	\$2,054,913.17
Amount certified for payment to Inter-Continental Constr. Corporation by City	108,153.10

Payments by Interborough Rapid Transit Company Subsequent to Default

Amount certified for payment under construction payrolls.....	188,327.57
Amount certified for payment for materials, supplies, and miscellaneous expenditures (net)	74,846.69

Payments by the City Subsequent to Default

Amount certified for payment to A. E. Henderson under Agreement "BD" for grading (Final Est.).....	15,821.73
Amount certified for payment to Holbrook, Cabot & Rollins Corp. and Geo. W. McNulty, under contract for completion of construction of Route 31 in reimbursement for expenses incurred due to material dumped by the Inter-Continental Constr. Corp. under the elevated railroad structure, Route 31.....	280.40
Amount certified for payment to Holbrook, Cabot & Rollins Corp. and Geo. W. McNulty, under contract for track installation, for furnishing and installing hand rails, MH doors, pump chamber doors, emergency exit ladders and doors, etc.....	22,481.76
Amount certified for payment to William J. Zartman under Agreement "BG" for furnishing and planting trees, (Final Est.).....	17,976.20
Amount certified for payment to Murphy Bros. under Agreement "BO" for restoration of gas mains (Final Est.).....	8,344.44
Amount certified for payment to M J. O'Hara under contract for completion of restoration of street and park surfaces (Final Est.)....	150,597.54
Amount certified for payment to Snare & Triest under contract for construction of station finish for construction of vault lights.....	3,779.52
Amount certified for payment under labor payrolls.....	73,536.75
Amount certified for payment under emergency orders for material, supplies, etc.	76,548.21
Amount transferred from rapid transit funds to Park Dept. for restoration of pavement by Park Department.....	53.66

Total Cost of Construction..... \$2,795,660.74

Credits

Proceeds of sale of corporate stock deposited with the Comptroller by the contractor on account of withdrawal of retained percentages.....	\$95,659.95
Amount of cash receipts transferred to Comptroller on account of return of cement bags and sale of excess material	5,236.48
Amount certified for payment by J. Muldoon on account of privilege of backfilling (paid).....	501.89
Amount certified as due from J. Muldoon on account of privilege of backfilling.....	2,141.59*
Total Credits	103,539.91
Net cost of construction.....	2,692,120.83
Total estimated amount at the schedule unit prices and under Art. XII of the contract that would have been payable to the Inter-Continental Constr. Corp. upon the completion of the work had there been no default	2,349,059.45
Cost of completing the work in excess of the amount that would have been payable to the Inter-Continental Constr. Corp. had there been no default	343,061.38

ROBT. RIDGWAY,
Chief Engineer.

*If this sum or any portion thereof is not paid, there will result a corresponding increase in the excess cost of the work due to the default.

A report was presented from Counsel dated October 8, 1923, suggesting that the certificate be filed and that certified copies thereof be transmitted to the Corporation Counsel, Comptroller of the City of New York and to the contractors or its representative or assignee, to their last known address.

1404—R. T. 7591, 7661

Routes Nos. 70-A-1, 70-B and 78—Communication from Counsel Transmitting Memorandum from Real Estate Clerk Stating Necessary Consents Have Been Received to Validate North Jane Street, Manhattan Avenue; Brooklyn Crosstown and Central Park West Routes—Motion Commending Real Estate Clerk—Report Filed and Motion Adopted

The Commission ordered filed a communication from Counsel dated October 4, 1923, transmitting a memorandum from the Real Estate Clerk as to the necessary consents received for the validation of the North Jane Street, Manhattan Avenue; Brooklyn Crosstown and Central Park West Routes, which memorandum was as follows:

October 3, 1923.

Re: Validation by consents of property owners of Routes Nos. 70-A-1, 70-B and 78.

I give below the status of the canvass for consents of property owners abutting on these routes as of 12:00 o'clock noon today:

Route No. 70-A-1 (1)

Street	Total Assessed Value Year 1923	Assessed Value Represented by Consents	Percentage of Consents to Total Assessed Value
Manhattan Avenue	\$2,048,000	\$1,314,600	64.2
Vernon Avenue (South)	964,600	936,000	97.0
Jackson Avenue	4,725,600	3,421,900	72.4
Jane Street and South Jane Street.....	300,500	260,000	86.5 (2)
Hunter Avenue	324,000	266,000	82.0
North Jane Street	4,460,400	4,404,600	98.7
Vernon Avenue (North)	2,288,000	2,243,000	98.0

(1) I have not listed separately the streets traversed by the southerly track of this route beneath the Queensboro Bridge, for the reason that this property is owned entirely by The City of New York, and each street would have the ratio of 100% of consents to assessed value.

(2) Whether Jane and South Jane Streets for the purpose of rapid transit consents are considered as one street or separate streets, as the route traverses their intersection, the percentage results would be the same.

The final consent necessary to determine the validation of this route was dated September 21, 1923, and was received September 24, 1923.

Route No. 70-B

Street	Total Assessed Value Year 1923	Assessed Value Represented by Consents	Percentage of Consents to Total Assessed Value
Manhattan Avenue	\$9,827,800	\$8,231,000	83.7
Driggs Avenue	1,374,000	1,359,000	98.9
Lorimer Street	1,320,000	1,320,000	100.0

Street	Total Assessed Value Year 1923	Assessed Value Represented by Consents	Percentage of Consents to Total Assessed Value
Union Avenue	\$1,348,100	\$1,327,000	98.4
Roebing Street	7,790,600	6,299,600	80.9
Lee Avenue	338,500	174,500	51.6
Wilson Street	584,300	354,500	60.7
Ross Street	179,900	112,500	62.5
Rodney Street	75,000	40,000	53.3
Bedford Avenue	8,649,600	5,090,600	58.9

The final consent necessary to determine the validation of this route was dated and received today.

Route No. 78

Street	Total Assessed Value Year 1923	Assessed Value Represented by Consents	Percentage of Consents to Total Assessed Value
Central Park South or West 59th Street.....	\$481,165,000	\$480,000,000	99.8
Central Park West	535,467,000	513,760,000	95.9
West 110th Street	485,622,000	484,870,000	99.9
Manhattan Avenue	10,403,000	7,056,000	67.8
St. Nicholas Avenue	19,712,000	14,060,000	71.3

The final consent necessary to determine the validation of this route was dated August 24, 1923, and was received August 25, 1923.

You will observe that of all of the streets involved in the three routes there is a percentage of less than 55% on Lee Avenue and Rodney Street only. On Rodney Street there are but two ownerships coming within the canvass, one representing an assessed value of \$35,000 and the other of \$40,000. The consents on Lee Avenue have not been in any case varied as to form and in every case unquestionably represent the property as actually owned.

The canvass for consents will be continued with a diminished number of canvassers and the percentages pushed up wherever practicable.

It is, therefore, apparent that we have obtained consents representing more than 50% of the aggregate assessed value for the year 1923 as based upon the tax roll confirmed last, before due approval of the several routes by the public authorities as provided by the Rapid Transit Act, for every street or thoroughfare traversed by each of these three routes, and the routes are accordingly validated and appeal to the Appellate Division of the Supreme Court will not be necessary.

AVERY M. SCHERMERHORN,
Real Estate Clerk.

Upon motion by Commissioner Harkness, which was duly adopted, it was directed that a Minute be inserted in the personal record of the Real Estate Clerk as to the appreciation by the Commission of the efficient services rendered in securing the consents.

1405—R. T. 7661

Route No. 78—Report by Counsel Stating that Suggestion of Broadway Association for Construction of Central Park West, Manhattan Avenue and St. Nicholas Avenue Route Within the Limits of Central Park Is to Be Taken Up in Conference with Board of Estimate and Apportionment—Filed

The Commission ordered filed a communication from Counsel dated September 26, 1923, stating that suggestion of the Broadway Association, dated September 17,

1923, for the construction of the Central Park West, Manhattan Avenue and St. Nicholas Avenue Route within the limits of Central Park, in order to avoid the additional expense necessitated by the disturbance of subsurface structures along Central Park West, is to be taken up in conference with the Transportation Committee of the Board of Estimate and Apportionment.

1406—R. T. 7622

Contract No. 2—Notice from Chief Engineer of Completion of Entrance to Hoyt Street Station Through Premises at No. 501 Fulton Street, Borough of Brooklyn—Filed

The Commission ordered filed a notice from the Chief Engineer, dated October 3, 1923, advising of the completion of an entrance from the Hoyt Street Station of the Brooklyn-Manhattan Rapid Transit Railroad, through Martins' store at 501 Fulton Street, Borough of Brooklyn; and that the entrance was opened for the use of the public, on September 28, 1923.

1407—R. T. 6416

Routes Nos. 36 & 37—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Agreement with Interborough Rapid Transit Company for Rearrangement of Signals and Interlocking at Queens Plaza Station, and Authorizing Appropriation of \$23,500—Communication from Acting Corporation Counsel Returning Agreement Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on September 28, 1923, was ordered filed:

(Cal. No. 33)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated August 7, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed agreement with the Interborough Rapid Transit Company for the rearrangement of signals and interlocking East of Queens Plaza Station on the Queensboro Subway Rapid Transit Railroad, at an estimated cost of twenty-three thousand five hundred dollars (\$23,500), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty-three thousand five hundred dollars (\$23,500); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding twenty-three thousand five hundred dollars (\$23,500), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purpose of said agreement; said issue of corporate stock to be charged as a subauthorization against the general appropriation of twenty-eight million, two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, September 28, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated October 6, 1923, returning the proposed agreement approved as to form, was also ordered filed.

1408—R. T. 6506

Contract No. 4—Report by Chief of Bureau of Accounting and Valuations Submitting Report of Annual Audit of Accounts of Depreciation Fund Board—Filed

The Commission ordered filed, a report from the Chief of the Bureau of Accounting and Valuations, dated October 4, 1923, upon the audit of the accounts of the Depreciation Fund Board, under Contract No. 4, and Allied Certificates for the fiscal year ended June 30, 1923.

The Secretary was directed to send copies of the report to the members of the said Board, and to recommend that the Board take up with the New York Rapid Transit Corporation the desirability of making more prompt remittances of the quarterly installments to the Depreciation Fund Board, so that the pooled revenues will not lose interest thereon.

1409—R. T. 6506

Contract No. 4—Copy of Communication to New York Rapid Transit Corporation Suggesting Change in Compensation of Secretary of Depreciation Fund Board—Letter from Company Approving—Filed

The Commission ordered filed a communication from LeRoy T. Harkness, Acting Chairman, to the New York Rapid Transit Corporation dated October 4, 1923, suggesting that the compensation of the Secretary of the Depreciation Fund Board under Contract No. 4 be made \$1,000 per annum, together with a letter from the New York Rapid Transit Corporation by W. S. Menden dated October 5, 1923, approving same.

1410

Employees' Calendar No. 169

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Harry Beller, draftsman, at \$175.08 per month, to take effect October 4, 1923; Walter M. Brown, draftsman, at \$175.08 per month, to take effect October 8, 1923; Morris C. Comar, draftsman, at \$175.08 per month, to take effect October 4, 1923; Daniel C. Corwin, draftsman, at \$175.08 per month, to take effect October 8, 1923; Harold L. Davis, junior assistant, at \$125.08 per month, to take effect October 4, 1923; Stanley DuBucke, draftsman, at \$175.08 per month, to take effect October 3, 1923; Daniel C. Dunne, junior clerk, at \$60.00 per month, to take effect October 8, 1923; Andrew Haldane, watchman, at \$3.00 per day, to take effect October 16, 1923; Julius Jacobs, watchman, at \$3.00 per day, to take effect October 16, 1923; Louis Jones, junior assistant, at \$125.08 per month, to take effect October 3, 1923; Robert Marra, junior assistant, at \$125.08 per month, to take effect October 8, 1923; Sidney Popplewell, draftsman, at \$175.08 per month, to take effect October 8, 1923; Charles Shilowitz, junior assistant, at \$125.08 per month, to take effect October 4, 1923; Laurence T. Scott-Smith, junior assistant, at \$125.08 per month, to take effect October 4, 1923; Peter Weiner, draftsman, at \$175.08 per month, to take effect October 3, 1923.

Appointments under Rule VIII:9—Barnett M. Bass, junior assistant, at \$125.08 per month, to take effect October 11, 1923; Arthur T. Demeroto, junior assistant, at \$125.08 per month, to take effect October 7, 1923; William R. Nugent, draftsman, at \$175.08 per month, to take effect October 25, 1923; Gustave Reinberg, junior assistant, at \$125.08 per month, to take effect October 6, 1923; Charles F. Rittel, Jr., architectural draftsman, at \$175.08 per month, to take effect October 18, 1923; Reuben Rubin,

draftsman, at \$175.08 per month, to take effect October 1, 1923; Carl J. Speer, junior assistant, at \$125.08 per month, to take effect October 20, 1923; Bernard J. Sullivan, junior assistant, at \$125.08 per month, to take effect October 5, 1923; William H. Young, junior assistant, at \$125.08 per month, to take effect October 25, 1923.

Reinstatement under Rule XVI:1—John J. Macaluso, junior assistant, at \$125.08 per month, to take effect October 3, 1923; Belle Wolf, stenographer, at \$150.00 per month, to take effect October 15, 1923.

Resignation—Frederick T. Brown, junior assistant, at \$125.08 per month, to take effect October 15, 1923; Henry L. Rossire, draftsman, at \$150.08 per month, to take effect October 6, 1923.

Terminations of Appointment under Rule VIII:4—Barnett M. Bass, junior assistant, at \$125.08 per month, to take effect October 10, 1923; Arthur T. Demeroto, junior assistant, at \$125.08 per month, to take effect October 6, 1923; William R. Nugent, draftsman, at \$175.08 per month, to take effect October 24, 1923; Gustave Reinberg, junior assistant, at \$125.08 per month, to take effect October 5, 1923; Charles F. Rittle, Jr., architectural draftsman, at \$175.08 per month, to take effect October 17, 1923; Reuben Rubin, draftsman, at \$175.08 per month, to take effect September 30, 1923; Carl J. Speer, junior assistant, at \$125.08 per month, to take effect October 19, 1923; Bernard J. Sullivan, junior assistant, at \$125.08 per month, to take effect October 4, 1923; William H. Young, junior assistant, at \$125.08 per month, to take effect October 24, 1923.

Terminations of Appointment under Rule V:4—Simon Salvesen, machinist, at \$125.00 per month, to take effect October 15, 1923; Jacob Thorkelsen, machinist, at \$125.00 per month, to take effect October 15, 1923.

Termination of Appointment under Rule VIII:9—Julius Jacobs, watchman, at \$3.00 per day, to take effect October 15, 1923.

Termination of Appointment under Rule XIII:4—Andrew Haldane, watchman, at \$3.00 per day, to take effect October 15, 1923.

Rescission of Appointment under Rule VIII:4—Francis J. Murphy, junior assistant, at \$125.08 per month, to take effect September 10, 1923.

Rescission of Change of Rate—Henry L. Rossire, draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923.

Promotions—John J. Casey, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Jacob S. Durben, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Helen Italiener, stenographer, from \$125.00 per month to \$137.50 per month, to take effect July 1, 1923; William C. Kentzer, architectural draftsman, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Henry C. Kuehn, architectural draftsman, from \$162.50 per month, to \$175.08 per month, to take effect October 1, 1923; William J. Lodge, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Melchiorre Mbrasca, architectural draftsman, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; John P. Mulhearn, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Francis Ryan, architectural draftsman, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Benjamin Silverman, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Russell A. Smith, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923.

Change of Rate—Charles E. Downey, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; William S. Fanning, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Victor H. Greenwald, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Paul Haan, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Edwin A. O'Hanlon, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; Charles F. Rittel, Jr., architectural draftsman, from \$150.08 per month, to \$175.08 per month, to take effect October 1, 1923; Claude M. Twombly, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923; John G. Yoerges, architectural draftsman, from \$150.08 per month to \$175.08 per month, to take effect October 1, 1923.

Change of Item in Resolution of 9/18/23 Concerning L. Seymour Schneider so as to Read as Follows: (Leave with pay)—L. Seymour Schneider, junior assistant, from August 28, 1923, to September 30, 1923.

Leaves of Absence without Pay—Frederick C. Cannon, engineering inspector, from October 1, 1923, to December 31, 1923; Elsie E. Shapiro, clerk, from July 16, 1923, to August 12, 1923.

1411

Employees' Resolution No. 170

On motion, duly seconded and unanimously adopted, Sverre Dahm, Engineer of Designs, is designated as Acting Chief Engineer during the absence of the Chief Engineer for the period from October 14, 1923 to October 20, 1923, both inclusive.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, October 16, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1412—R. T. 7602

Route No. 52, Section No. 2—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Column Foundations for Part of Flushing Line—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the construction of column foundations for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section 2, Roosevelt Avenue-Riverside Avenue to Willets Point Boulevard, Borough of Queens,

Resolved, That the said Invitation to Contractors, Information for Contractors, and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the construction of column foundations for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section 2, Roosevelt Avenue-Riverside Avenue to Willets Point Boulevard, Borough of Queens, be and are hereby approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication from and including October 19, 1923 to and including November 2, 1923 and on October 22, 1923 in The Flushing Journal and The New York Times, daily newspapers published in The City of New York and that such bids as shall be received shall, on the 2nd day of November, 1923 at eleven-thirty (11:30) o'clock a. m. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission and read.

1413—R. T. 7702

Route No. 52, Section No. 2—Form of Contract, Specifications, Invitation to Contractors, etc., for Furnishing and Erecting Structural Steel for Part of Flushing Line—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and

Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the furnishing and erecting of structural steel for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section No. 2, Roosevelt Avenue-Riverside Avenue to Willets Point Boulevard, Borough of Queens.

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the furnishing and erecting of structural steel for a part of a rapid transit railroad, Flushing Route, Route No. 52, Section No. 2, Roosevelt Avenue-Riverside Avenue to Willets Point Boulevard, Borough of Queens, be and hereby are approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication from and including October 19, 1923 to and including November 2, 1923 and on October 22, 1923 and October 29, 1923 in The Long Island Daily Press and The Long Island Farmer and The Flushing Times, daily newspapers published in The City of New York and that such bids as shall be received shall, on the 2nd day of November, 1923 at eleven-thirty (11:30) o'clock a. m. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission and read.

1414—R. T. 3013

Agreement "CR"—Form of Contract, Specifications, Invitation to Contractors, etc., for Relocation of Entrances to 157th Street Station—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the relocation of entrances to the 157th Street station of the Manhattan-Bronx Rapid Transit Railroad, Borough of Manhattan,

Resolved, That said Invitation to Contractors, Information for Contractors, and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the relocation of entrances to the 157th Street Station of the Manhattan-Bronx Rapid Transit Railroad, Borough of Manhattan, be and are hereby approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication from and including October 19, 1923 to and including November 2, 1923 and on October 22, 1923 and October 29, 1923 in The New York Herald and The Evening Post, daily newspapers published in The City of New York and that such bids as shall be received shall, on the 2nd day of November, 1923 at eleven-thirty (11:30) o'clock a. m. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission and read.

1415—R. T. 7701

Route No. 18—Form of Contract, Specifications, Invitation to Contractors, etc., for Installation of Frogs, Switches, Tracks, etc., at 180th Street Yard—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings, for installation of frogs, switches and tracks and preparation of tracks for storage of cars at the 180th Street Yard, White Plains Road Line, Route No. 18,

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for installation of frogs, switches and tracks and preparation of tracks for storage of cars at the 180th Street Yard, White Plains Road Line, Route No. 18, be and hereby are approved and adopted and that said Invitation to Contractors be published in the City Record every day of publication continuously from and including October 19, 1923 to and including November 2, 1923 and on October 22, 1923 and

October 29, 1923 in The Journal of Commerce and The Evening Mail, daily newspapers published in The City of New York, and that such bids as shall be received shall, on the 2nd day of November, 1923, at eleven-thirty (11:30) o'clock a. m. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission at the office of the Transit Commission and read.

1416—R. T. 7695

Agreement "CQ"—Report by Chief Engineer as to Receipt of Bids for Construction of Station Finish at Queensboro Plaza Station and Recommendation for Award of Contract to Pattelli and Wilson, at Bid Price of \$4,969—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

October 13, 1923.

To TRANSIT COMMISSION:

Award of Contract for Agreement "CQ," to Pattelli & Wilson.

On October 11, 1923, the following bids were received for work under Agreement "CQ," Construction of Station Finish Work on Queensboro Plaza Station:

No.	Name of Bidder	Amount
1.	Pattelli & Wilson	\$4,969.00
2.	John Pollock	5,647.00
3.	J. B. Rohrer & Co., Inc.....	5,650.00
4.	Edward Balaban & Co.....	6,340.00

This work includes temporary inspection enclosure, waiting room and car cleaner and oil house. Our estimate for this work amounts to \$7,000.

The prices offered by Pattelli & Wilson, the lowest bidder, are reasonable and not improperly balanced.

Pattelli & Wilson have not previously done any work as contractors for the City. Both, however, have previously been employed on subway work in different capacities. The latest work in which they were engaged in connection with subway work was on track installation for the 239th Street Yard of the White Plains Road Line. Mr. Wilson was General Superintendent and Mr. Pattelli was Foreman for Michael Del Balso who had the contract for this work.

Mr. Wilson was engaged for about 17 years in the Engineering Department of the Commission. Mr. Pattelli is a carpenter by trade and refers to Mr. Pegram who speaks highly of him, as also does Mr. Fred Cranford for whom he also has worked.

For your information I send you herewith twelve (12) copies of summation of bids.

Enclosed I send you copy of minutes of a conference held in my office today with Pattelli & Wilson, copy of their financial statement, copy of their incorporation paper as a co-partnership and a copy of letter from Michael Del Balso.

Recommendation: From an engineering standpoint I recommend that the contract for work under Agreement "CQ," Construction of Station Finish Work on Queensboro Plaza Station be awarded to the lowest bidder, Pattelli & Wilson at their bid figure of \$4,969 and that a request be made on the Board of Estimate and Apportionment for the appropriation of this amount to be charged to Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract (Agreement "CQ") for the construction of station finish at the Queensboro Plaza Station of the municipal rapid transit railroad in the Borough of Queens, was heretofore finally adopted and subsequent to advertisement duly made bids respectively totalling as follows were received on October 11, 1923:

Pattelli & Wilson	\$4,969.00
John Pollock	5,647.00
J. B. Rohrer & Co., Inc.....	5,650.00
Edward Balaban & Co.....	6,340.00

; and

Whereas, The Chief Engineer of this Commission, by communication dated October 13, 1923, has reported that the amount of said low bid is reasonable and that the said Pattelli & Wilson (a general partnership), the low bidders, are financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to them and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$4,969, the amount estimated to be necessary to carry out said proposed contract on behalf of the City.

Resolved, That said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Pattelli & Wilson, submitted as aforesaid, be and the same hereby is accepted and the said proposed contract (Agreement "CQ"), for the construction of station finish work at the Queensboro Plaza Station of the municipal rapid transit railroad, in the Borough of Queens, be and the same hereby is awarded to said Pattelli & Wilson, subject to its being approved and consented to in form and substance, as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment, in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$4,969, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

October 16, 1923:

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Pattelli & Wilson (Agreement "CQ") for the construction of station finish work at the Queensboro Plaza Station of the municipal rapid transit railroad, in the Borough of Queens, together with a requisition upon your Honorable Board for the appropriation of the sum of Four thousand nine hundred sixty-nine dollars (\$4,969), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been made for proposals for said proposed contract and bids were received on October 11, 1923, respectively totalling as follows:

Pattelli & Wilson	\$4,969.00
John Pollock	5,647.00
J. B. Rohrer & Co., Inc.....	5,650.00
Edward Balaban & Co.....	6,340.00

The Chief Engineer of this Commission, in a communication dated October 13, 1923, reports that the bid of Pattelli & Wilson (a general partnership), the low bidders, is reasonable and that the said firm is competent and financially capable of carrying out the provisions of said proposed contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the said Pattelli & Wilson, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Four thousand nine hundred sixty-nine dollars (\$4,969), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund of said City may prescribe for the purpose of meeting the City's obligations under said proposed contract, to wit, the sum of Four thousand nine hundred sixty-nine dollars. (\$4,969).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a subrequisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4, and the appropriations made thereunder by your Honorable Board.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1417—R. T. 7572

Agreement "BV"—Communication from Board of Estimate and Apportionment Referring Back Proposed Contract with D. C. Serber for Miscellaneous Construction and Station Finish—Report by Chief Engineer Recommending that Request Be Made to Board of Estimate and Apportionment for Reconsideration of Action—Approval Resolution—Communication to Board of Estimate and Apportionment

A communication was presented from the Board of Estimate and Apportionment dated July 3, 1923, advising of its action on June 29, 1923, referring back to this Commission a proposed contract with D. C. Serber, for Miscellaneous Construction and Station Finish in the Boroughs of Manhattan, Bronx, Brooklyn and Queens—Agreement "BV," and submitting a copy of a report by its Assistant Engineers, giving reasons why the contract should not be approved.

A report was presented from the Chief Engineer dated June 3, 1923, recommending that a request be made to the Board of Estimate and Apportionment for reconsideration of its action as no way exists for performance of the necessary work.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment by action taken at its meeting of June 29, 1923 referred back to this Commission the proposed contract between The City of New York and D. C. Serber for Miscellaneous Construction and Station Finish (Agreement "BV") in municipal rapid transit railroads, as evidenced by the letter dated July 3, 1923 addressed to this Commission by the Assistant Secretary of said Board, which letter also transmitted a copy of the report dated June 27, 1923 of an Assistant Engineer of said Board and upon which action of said Board was predicated; and

Whereas, The Chief Engineer of this Commission by communication dated July 3, 1923 has reported in detail as to such action of said Board and stated "Unless the Board reconsiders its adverse action, I do not know what steps to take to accomplish the necessary work covered by the contract in question," and Counsel recommends the re-submission of said proposed contract, together with a copy of the said report of the Chief Engineer of this Commission for reconsideration by the Board of Estimate and Apportionment in the light of such report,

Resolved, That the said report and recommendation be and the same hereby are approved; that the said proposed contract, together with the requisition for the appropriation of the necessary money and the consent of the Board thereto dated June 5, 1923 be resubmitted to said Board with the request that it reconsider its action of June 29, 1923 with respect thereto, in the form now submitted by Counsel to this Commission.

[October 16, 1923

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution was as follows:

October 16, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission is in receipt of the following communication dated July 3, 1923 from James Matthews, Assistant Secretary to your Board:

(Cal. No. 204)

July 3, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

Enclosed please find copy of a report prepared in this office relative to the request of the Transit Commission dated June 5, 1923, for consent of this Board to proposed contract with D. C. Serber for miscellaneous construction and station finish for rapid transit railroads in the Boroughs of Manhattan, Bronx, Brooklyn and Queens.

At the meeting of the Board of Estimate and Apportionment on June 29, 1923, this matter was referred back to the Transit Commission.

Respectfully,

JAMES MATTHEWS,
Assistant Secretary.

The Chief Engineer of this Commission under date of July 3, 1923 has reported with respect to the subject of such action as follows:

"On June 5, 1923, a request was made by the Commission on the Board of Estimate and Apportionment for approval of work under Agreement "BV," Miscellaneous Construction and Station Finish for Rapid Transit Railroads in the Boroughs of Manhattan, Bronx, Brooklyn and Queens, and the appropriation of \$15,020 to meet the City's obligation under said proposed contract, \$12,270 to be charged to Contract No. 3 and \$2,750 to be charged to Contract No. 4. The two bids received were from D. C. Serber, \$15,020; and Hamme & Jackson, Inc., \$19,265. The Board of Estimate disapproved the Commission's request on June 29, 1923.

An Assistant Engineer of the Board of Estimate made an unfavorable report on this proposed contract. He stated in his report that the work is substantially that which the Commission included in a proposed contract which was submitted to the Board on July 6, 1922 and disapproved on July 19, 1922 excepting that from the contract now under consideration, the Commission has omitted the blue-stone curb in The Bronx, sidewalks at Lexington Avenue and 129th Street, and a wall at the escalator of the Park Place Station. This is substantially correct.

The blue-stone curb in The Bronx was omitted from the draft last submitted for bidding on account of exception taken thereto by said Assistant Engineer. The sidewalk at the car barns at Lexington Avenue and 129th Street was omitted because after the first bids were received, this work was done by the surface railroad company. The wall at the escalator of the Park Place Station was omitted because the Interborough agreed to build it.

Said Assistant Engineer says further, 'I have examined the bidding sheet with some care and I find irregular bidding as evidenced by the following items:

Station entrances, 161st Street.....	\$500	\$3,200
Sewer connections, Buhre Avenue.....	950	550
Repair of drain pipe.....	75	200
Ladders, etc., 125th Street Station.....	400	700
Excavation	12	25
Waterproofing	3	10

To my mind irregularities like these warrant the rejection of all the bids received.'

Such differences as these exist in many of the contracts which have been approved by the Board of Estimate and are not, in my opinion, a sufficient cause for the rejection of the contract. In all of such contracts, the bidder must distribute his estimated cost of plant, administration and other overhead expenses over the various items of the contract. Some do it one way and some another and it is largely a question of judgment how it should be done. The above comparison is between the prices of the two bidders but the second bidder's figures do not concern us, since we did not recommend the acceptance of his bid. Our figures for the same items compared with those of the low bidder are as follows:

	D. C. Serber	Engr's. Est.
Station entrances, 161st Street—Lump sum....	\$500	\$1,800
Sewer Connections, Buhre Avenue—Lump sum.	950	400
Repair of drain pipe—Lump sum.....	75	200
Ladders, etc., 125th Street Station—Lump sum.	400	500
Excavation	12 Cu. Yd.	10 Cu. Yd.
Waterproofing	3 Sq. Yd.	2 Sq. Yd.

Regarding Serber's bid of \$500 for "Station Entrances at 161st Street": this figure is probably below the cost of doing the work. The bidder's attention was called to this when he was examined prior to the award of the contract and he then stated that his bid for this item was based on a misunderstanding of what work the item included but that he was prepared to go ahead and take whatever loss was entailed.

Said Assistant Engineer further says, 'there are other reasons why I think the Board should withhold its consent to this contract, one of which is the inclusion therein of the steps, railings, etc., in the drift near Old Slip. If this work is done under this proposed contract, access to the drift for men and materials must be through a shaft of limited dimensions. The work is not urgently necessary but should be done in connection with the lower section of the Nassau Street Line, the south end of which will be in such proximity to the work proposed under this contract that the cost thereof will be very much reduced.'

This work in the interest of safety is urgent. It is aimed to provide a more convenient means of exit from the river tubes of the Whitehall Street-Montague Street route than now exists.

Some time ago, trains were stalled in the Montague Street tubes under the river and the passengers left the trains, and some walked towards Manhattan. The Company then complained that a continuous passageway raised above the trackways had not been provided by which the emergency exit near South Street could be reached. As a result, this item of work was included in the contract. The suggestion of the Assistant Engineer that this work be done under the contract for Section 2 of Route 45 should not be accepted since there is no certainty that the Board will approve this contract, and furthermore, the work is not within the limits of that section as now defined.

This Assistant Engineer says further, 'I also take exception to the manner in which the plumbing repairs have been specified and bid upon. Such a scheme, I think to be wholly indefensible and alone should warrant the rejection of the contract.'

The original contract as submitted to the Board of Estimate on July 6, 1922, called for the same plumbing work to be done on the basis of cost. This is considered the best way of doing this work which involved the tearing out and replacing of existing work, the amount of which is impossible to prognosticate before a thorough investigation has been made, the existing work being mostly imbedded in masonry. Inasmuch as we have no means for making such an investigation that had to be part of the proposed contract. This method, however, was objected to by said Assistant Engineer after the first contract was awarded, notwithstanding the fact that it was explained to him that the Contractor would be paid only for such work as was necessary and that he would be ordered to do. In an effort to meet his objection, contract was revised for

the second bidding and the present method of paying for the work under bid prices was provided, which method we recognize as not being as good as the first one. Now he objects to this method but suggests no alternative as to how the work should be done. If it is not to be done by either of these methods, I do not see how it can be done by contract.

Meanwhile the major portion of the toilet facilities at the seven stations of the Lexington Avenue Line referred to are out of commission and have been since before the line was placed in operation in 1918, due to the damage sustained principally from frost between the dates of completion of construction and the beginning of operation. The public is thus denied the use of them and the conditions have been the subject of complaint by the Board of Health. It is unfortunate that the efforts of the Commission to remedy these conditions have been unsuccessful.

I am bringing these facts to the Commission's attention for such action as it may think best to take. Unless the Board reconsiders its adverse action, I do not know what steps to take to accomplish the necessary work covered by the contract in question."

The Transit Commission accordingly resubmits said proposed contract to your Honorable Board for its consideration in the light of the statements of the Chief Engineer of this Commission and the attention of your Honorable Board is particularly directed to the fact that the Engineers of the Commission are of the opinion that there is no other practical way of doing the work included in said proposed contract and that the completion of these much needed improvements in the municipal rapid transit railroad system are being consequently delayed.

The Transit Commission resubmits the said proposed contract, together with its requisition of June 5, 1923 and requests your Honorable Board to consent thereto and to appropriate the necessary money to carry out the obligations of the City thereunder all in accordance with said requisition of June 5, 1923.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1418—R. T. 4039

Brooklyn Loop Line—Communication from Counsel Submitting Proposed form of Agreement with New York Rapid Transit Corporation and Atlas Industrial Corporation for Alteration of Subway Entrance and Exchange of Easements in Property at Westerly Side of Centre Street between Howard and Canal Streets, Borough of Manhattan—Approval Resolution—Communication to Commissioners of Sinking Fund

A communication was presented from Counsel dated October 15, 1923, transmitting a proposed form of deed between The City of New York, acting by the Transit Commission, the New York Rapid Transit Corporation and the Atlas Industrial Corporation for the alteration and rearrangement of subway entrance control areas together with two deeds to effect an exchange of easements in the property on the westerly side of Centre Street between Howard Street and Canal Street, Borough of Manhattan.

The following resolution was adopted:

Whereas, The Public Service Commission for the First District, a predecessor of the Transit Commission, heretofore acquired in fee simple, free and clear of all incumbrances, for rapid transit purposes, a parcel of land situated on the westerly side of Centre Street between Howard Street and Canal Street, in the Borough of Manhattan, City of New York, known as Lot 19, in Block 208, Section 1, on the Land Map of the County of New York; and

Whereas, Said parcel of real property having become unnecessary for rapid transit purposes except certain permanent and perpetual easements therein, this Commission did with the approval of the Commissioners of the Sinking Fund on January 16, 1923,

sell said parcel, subject to certain easements at public auction to the highest bidder, Herbert Fisher, who assigned all his rights, title and interest in said parcel to the Atlas Industrial Corporation, a domestic corporation, and this Commission conveyed said property subject to such reserved easements to the Atlas Industrial Corporation for the sum of \$37,250 and a bond and mortgage for the sum of \$111,500 maturing in five years on the 18th day of June, 1928, at the rate of five per cent (5%) per annum; and

Whereas, By the published notices advertising the public auction sale of the said parcel of real property, it was stated as follows:

In the case of Plot II (the parcel here under consideration) the subway structure may be altered, at the purchaser's expense, with respect to the location of the present entrance facilities; providing such entrance facilities are not reduced in capacity or their safety impaired, and provided the approval of the Chief Engineer is secured.

and also that:

The present subway entrance and adjacent construction may be altered by the purchaser with the approval of the public authorities having jurisdiction so as to permit the location of stores on the portion of the plot at the northwest corner of Canal and Centre Streets.

; and

Whereas, The Vendee, Atlas Industrial Corporation, has submitted plans and made an application, to this Commission and to the Lessee of the Railroad, for a proposed alteration and rearrangement of the subway entrance control areas, so as to permit of the location of stores on the southeast corner of the plot, at the northwest corner of Canal and Centre Streets; and

Whereas, It will be necessary to effect such proposed alteration and rearrangement of the subway entrance control areas, for this Commission on behalf of The City of New York to convey a portion of certain easements retained in the conveyance of said property to the Atlas Industrial Corporation, comprising the present entrance control area to the station, and to take in exchange, easements in property conveyed as aforesaid, in which the City retained no easements for railroad purposes; and

Whereas, The Atlas Industrial Corporation has agreed to make all the necessary physical changes necessary to transfer the station entrance and controls from the retained easement to the easements to be conveyed to the City under such arrangement, at its sole cost and expense; and

Whereas, The Atlas Industrial Corporation has agreed to pay Five Thousand (\$5,000) dollars, as the agreed salvage value for toilet rooms and other facilities, not needed, and to be removed from the entrance control area surrendered; and

Whereas, The Real Estate Clerk of this Commission has advised that such exchange of easements represents in value a fair transfer of real estate; and

Whereas, The Chief Engineer of this Commission has approved the proposed plans submitted for the rearrangement of controls both as to engineering and operating features; and

Whereas, Counsel with his letter dated October 15th, 1923, has submitted to this Commission for approval, a proposed form of agreement between The City of New York, acting by the Transit Commission, New York Rapid Transit Corporation and the Atlas Industrial Corporation for the alteration and rearrangement of said subway entrance control areas; two Deeds, to effect an exchange of easements; and a communication to the Sinking Fund Commission of The City of New York for transmission to said Commission for its approval,

Resolved, That the proposal of the Atlas Industrial Corporation as aforesaid be and hereby is approved; that the said instruments so submitted be and the same hereby are approved and adopted and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute said instruments upon receipt of a certified copy of the resolution of the Commissioners of the Sinking Fund approving the same,

Further Resolved, That Counsel to this Commission be and hereby is authorized and directed to take such action as may be necessary and proper to consummate such transaction if and when the Commissioners of the Sinking Fund have consented thereto.

The communication to the Commissioners of the Sinking Fund was as follows:

October 16, 1923.

To the SINKING FUND OF THE CITY OF NEW YORK.

Gentlemen:

Your Commission by resolution adopted October 5, 1922, upon the application of the Transit Commission pursuant to Subdivision 2 of Section 39 of the Rapid Transit Act, approved of the sale at public auction by the Transit Commission of the parcel of land located on the westerly side of Centre Street between Canal and Howard Streets in the Borough of Manhattan, and known as Lot 19 in Block 208 in Section 1 on the Land Map of the City of New York for the Borough of Manhattan and bounded and described as follows:

Beginning at the point formed by the intersection of the westerly side of Centre Street with the northerly side of Canal Street; running thence westerly along the northerly side of Canal street, thirty-seven (37) feet eleven and three-sixteenths (11-3/16) inches; thence northerly one hundred and fifteen (115) feet ten (10) inches, to a point thirty-one (31) feet four and nine-sixteenths (4-9/16) inches from the westerly side of Centre street, on a line at right angles thereto; thence westerly along a line at right angles to the westerly side of Centre street forty-six (46) feet seven and seven-sixteenths (7-7/16) inches to the land now or late of Shearith Israel; thence northerly along the land of Shearith Israel seventy-five (75) feet to the land now or late of Harriet Barthal; thence easterly along said land and along the land now or formerly belonging to John C. Butler and John J. Palmer, thirty-six (36) feet; thence northerly along the land now or late of Thomas C. Butler, one hundred (100) feet eight and one-half (8½) inches to the southerly side of Howard street; thence easterly along said southerly side of Howard street, thirty-six (36) feet two and three-sixteenths (2-3/16) inches to the westerly side of Centre street; thence southerly along said westerly side of Centre street, two hundred and ninety-nine (299) feet and five-eighths (⅝) inches, to the point or place of beginning, be said several dimensions more or less; containing 13,551 square feet.

at an upset price of \$148,750, subject to such permanent and perpetual easements as were required for maintenance and operation in perpetuity, free of interference and right of interference of the rapid transit railroad, being part of the Railroad described in the contract dated March 19, 1913, known as Contract No. 4, including the subway or structure and the station entrance thereon, and upon such terms as would safeguard such maintenance and operation through and under the entire area of such property and upon such other terms and conditions as the Transit Commission should deem necessary and proper.

Thereafter pursuant to such authority the Transit Commission after due notice on January 16, 1923 sold at public auction to the highest bidder, Herbert Fisher, the said property subject to the conditions referred to in the resolution of your Commission and by deed dated June 9, 1923 and delivered the 18th day of June, 1923, conveyed said property subject to such conditions to the assignee of said Herbert Fisher, the Atlas Industrial Corporation, the purchase price being the fixed upset price of \$148,750. The purchase price was paid by the delivery to the representatives of the City of cash in the sum of \$37,250, and a bond and mortgage for the sum of \$111,500, maturing in five years on the 18th day of June, 1928, at the rate of five per cent. (5%) per annum.

In the published notice advertising the proposed sale by the Transit Commission of said property pursuant to the authority of your Commission it was stated:

In the case of Plot II (being the property here under consideration) the subway structure may be altered, at the purchaser's expense, with respect to the location of the present entrance facilities, providing such entrance facilities are not reduced in capacity or their safety impaired, and provided the approval of the Chief Engineer is secured.

It was also stated in respect to the general information given out in respect to said Plot II that:

The present subway entrance and adjacent construction may be altered by the purchaser with the approval of the public authorities having jurisdiction so as to permit the location of stores on the portion of the plot at the northwest corner of Canal and Centre Streets.

The foregoing statements, of course, invested the purchaser with no legal right

but was merely indicative of a possible rearrangement of the property with the approval and consent of the public authorities and more especially the Lessee of the Railroad, to more adequately adopt such property to be sold to remunerative commercial uses. The vendee, the Atlas Industrial Corporation, has made application and submitted plans to the Transit Commission for a proposed alteration and rearrangement of the subway entrance control areas at said location so as to permit of the location of stores on the southeast corner of the plot, at the northwest corner of Canal and Centre Streets. To effect this it will be necessary for the City, acting by the Transit Commission, to convey certain of the easements retained in the conveyance of this property to the Atlas Industrial Corporation comprising the present entrance control area to the station and to take in exchange easements in property conveyed as aforesaid but in which the City retained no easements for railroad purposes. The Atlas Industrial Corporation has agreed to make, at its sole cost and expense, all physical changes necessary to transfer the station entrance and controls from the retained easement to the easements to be conveyed to the City under such arrangement. The New York Rapid Transit Corporation, as Lessee of the Railroad, agrees to this proposal and the engineers of both the company and the commission have approved of the plans prepared to this end. Moreover, the Real Estate Clerk of the Commission has advised it that the exchange of easements represents in value a fair transfer of real estate, since in his opinion, the value of the portion of the easements retained under the original deed and now to be conveyed to the City are worth no more than the easements which are to be conveyed to the City pursuant to this plan.

Accordingly, the Transit Commission has prepared and transmits herewith a proposed agreement between The City of New York acting by the Transit Commission, New York Rapid Transit Corporation and Atlas Industrial Corporation providing for the performance of the work of making such alterations, reconstruction and construction at the sole cost of the Atlas Industrial Corporation, which proposed agreement has been approved by all parties interested. The said proposed agreement provides for the interchange of the easements in question by the coincident delivery of two deeds which are attached to and form part of said proposed agreement.

The Commission is convinced that this proposed arrangement and exchange of easements will result in the substitution of an entrance and control area to the said rapid transit railroad, in all respects equal, if not better than the existing facilities both as to real estate value and operating convenience and moreover, it will carry out the tentative proffer to make such changes in this property as to make it more adaptable for commercial purposes.

The Transit Commission, therefore, requests your Honorable Commission, pursuant to the provisions of the Rapid Transit Act, to consent to said proposed agreement and exchange of easements in said property and to the proposed deeds submitted to effect such transfer.

It is specifically provided in the proposed deeds that such transfer or reconstruction shall in no way effect the existing mortgage of The City of New York upon the property as a whole, sold as aforesaid.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1419—R. T. 7366

Contract No. 3—Report by Chief Engineer Recommending Acceptance of Offer of Contractor to Pay \$800 to City in Lieu of Placing Timber Decking on East Side of Lenox Avenue South of 147th Street under Contract for Additional Approach Track to Lenox Avenue and 148th Street Yard—Approval Resolution

A report was presented from the Chief Engineer dated October 8, 1923, recommending the acceptance of the offer of the Slattery Engineering and Construction Company, Inc., to pay \$800 to the City in lieu of placing timber decking on the east side of Lenox Avenue south of 147th street, the cost of which decking was included in the contractor's unit price for excavation under the contract for the construction of an additional approach track to the Lenox Avenue and 148th Street Yard.

The following resolution was adopted:

Whereas, The contract dated October 25, 1922 between The City of New York, acting by the Transit Commission, and Slattery Engineering and Construction Co., Inc., for the construction of an additional approach track to the Lenox Avenue and 148th Street Yard (Contract No. 3), includes in the schedule unit price for excavation the cost of decking; and

Whereas, The Chief Engineer of this Commission, by communication dated October 8, 1923, reports that the said contract required that the excavation for the structure should be kept decked south of the center line of 147th Street and the street kept open for traffic at all times; that during the progress of the work it developed that a portion of the decking required by said contract was not essential; that the contractor proposed to omit such unnecessary decking and that an agreement was reached whereby such unnecessary decking should be omitted upon the payment to the City by the contractor of the sum of \$800 which the Chief Engineer recommends be accepted in lieu of placing the timber decking on the east side of Lenox Avenue south of 147th Street,

Resolved, That said report and recommendation be and the same hereby is approved.

1420—R. T. 7007, Case 2627

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Plans and Specifications of Bodies and Trucks for One Hundred Steel Motor Cars—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Interborough Rapid Transit Company dated October 10, 1923, requesting approval of plans and specifications of bodies and trucks for one hundred steel motor subway cars.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer stating that the plans and specifications are satisfactory and recommending that the application be approved.

The following resolution was adopted:

Whereas, This Commission by order adopted August 22, 1923, in Case No. 2627, amending Service Order "B" of May 2, 1922 in said proceeding, required among other things that the Interborough Rapid Transit Company:

"(3) Order immediately, as of the date of this order as hereby amended, and equip and have ready for operation as soon as it is possible and not later than for the beginning of fall operation in 1924, one hundred (100) steel cars upon specifications to be approved by the Commission."

; and

Whereas, Pursuant to said directions and order Interborough Rapid Transit Company by communication dated October 10, 1923, has submitted to this Commission for its approval, plans and specifications of bodies and trucks for 100 steel motor cars; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission, by communication dated October 16, 1923, have reported that said plans and specifications so submitted are satisfactory and recommend from an engineering standpoint that said plans and specifications so submitted be approved,

Resolved, That said report and recommendation be and the same hereby is adopted and that said plans and specifications so submitted be and the same hereby are approved.

1421—R. T. 7007

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agents' Orders for Car Wheels—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated September 7, 1923, requesting approval of proposed purchasing agents' orders directed

to the Carnegie Steel Company and Bethlehem Steel Company, for furnishing car wheels for replacement purposes on subway cars at a total cost of \$109,796.50.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations, classifying the work as an Operating Expense.

The following resolutions were adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, Interborough Rapid Transit Company has by communication dated September 7, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated September 7, 1923, directed to Carnegie Steel Company for the following:

Item No.

- | | | | |
|----|--|---------------------------|-------------|
| 1. | 476 Wheels, 3¼" rolled steel, 6 13/16" rough bore, motor truck, B/P 9380-B. Spec. 48-E. | Price: \$49.75 each..... | \$23,681.00 |
| 2. | 838 Wheels, 3¼" rolled steel, 5 9/16" rough bore, Trailer Truck, B/P 4524-K. Spec. 48-E. | Price: \$41.50 each | 34,777.00 |

Total \$58,458.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 504"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission, have by communication dated October 16, 1923, reported that the following bids were received for such work:

	Motor Truck Wheels	Trailer Truck Wheels
Carnegie Steel Co.	\$49.75 each	\$41.50 each
Bethlehem Steel Co.....	49.75 each	41.50 each
Standard Steel Works.....	49.75 each	41.50 each
Edgewater Steel Co.....	49.75 each	41.50 each

that the Carnegie Steel Company are reliable manufacturers; that the price is reasonable and the best obtainable; that the wheels are necessary for maintenance purposes and the specifications have been passed by the Department of Materials Inspection and recommends that the said proposed purchasing agent's order so submitted be approved; and

Whereas, By endorsement dated October 17, 1923, the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have recommended that such work be classified as Operating Expense as described in said Contract No. 3.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such work to be classified as Operating Expense as described in said Contract No. 3.

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, Interborough Rapid Transit Company has by communication dated September 7, 1923 submitted for the approval of this Commission a proposed purchasing agent's order dated September 7, 1923 directed to Bethlehem Steel Company for the following:

Item No.

1. 438 Wheels, 3¼" rolled steel, 6 13/16" rough bore, motor truck,
B/P 9380-B Spec. 48-E.
Price: \$49.75 each..... \$21,790.50
2. 712 Wheels, 3¼" rolled steel, 5 9/16" rough bore, Trailer
Truck, B/P 4524-K Spec. 48-E.
Price: \$41.50 each..... 29,548.00

F. O. B. New York..... \$51,338.50

which proposed purchasing agent's order has been caused to be designated as "Approval No. 505"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission have by communication dated October 16, 1923, reported that the following bids were received for such work:

	Motor Truck Wheels	Trailer Truck Wheels
Carnegie Steel Co.	\$49.75 each	\$41.50 each
Bethlehem Steel Co.....	49.75 each	41.50 each
Standard Steel Works.....	49.75 each	41.50 each
Edgewater Steel Co.....	49.75 each	41.50 each

that the Bethlehem Steel Company are reliable manufacturers; that the price is reasonable and the best obtainable; that the wheels are necessary for maintenance purposes and the specifications have been passed by the Department of Materials Inspection and recommends that the said proposed purchasing agent's order so submitted be approved; and

Whereas, By endorsement dated October 17, 1923 the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have recommended that such work be classified as Operating Expense as described in said Contract No. 3,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such work to be classified as Operating Expense as described in said Contract No. 3.

1422—R. T. 6668, 7529

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Cast Iron Smoke Flues in Stations on Culver and West End Lines—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated September 28, 1923, requesting approval of a proposed purchasing agent's order directed to the Empire Pipe Corporation for thirty-two cast iron smoke flues for stations on the Culver and West End Lines at a total cost of \$6,410.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 10, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work insofar as it is a betterment as Additions to the Railroad and assigning Work Order No. MAA-6 thereto, the remainder of the cost to be charged to Maintenance.

The following resolution was adopted:

Whereas, The Transit Commission pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4 and particularly Article LXVIII thereof by resolutions adopted July 12,

1921 and May 23, 1923 directed the Lessee under said Contract No. 4 to install as Additions to Construction under said contract the direct type of smoke flue at the stations of the Culver Line and the New Utrecht Avenue portion of the Broadway-Fourth Avenue Line described in said Contract No. 4 and as more particularly set forth in said resolutions; and

Whereas, The Board of Estimate and Apportionment of The City of New York, by resolution adopted June 29, 1923, appropriated the sum of \$3,240, being the estimated cost to the City of having such work performed in accordance with the provisions of said Contract No. 4; and

Whereas, New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4, has by communication dated September 28, 1923 submitted to this Commission for approval a proposed purchasing agent's order dated September 28, 1923 directed to Empire Pipe Corporation for the following:

Empire Pipe Corporation.....	\$6,410
W. G. Creamer and Co.....	6,560
John Fox	10,384
Edwin Burborn	10,650
Staten Island Shipbuilding Co.....	Could not quote.

which proposed purchasing agent's order has been caused to be designated as Approval No. 371; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated October 10, 1923 reported that the plans for the installation of such flues have already been approved by the Chief Engineer of this Commission; that the price proposed to be paid for the smoke flues is reasonable and recommends that the said proposed purchasing agent's order so submitted be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated October 11, 1923 has recommended that the cost of such work in so far as it is a betterment be classified as Construction of Additions to the Railroad and that Work Order No. MAA-6 be assigned thereto, the remainder of the cost to be charged to Maintenance,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost thereunder in so far as it is a betterment, to be classified as Construction of Additions to the Railroad and as to which this Commission assigns Work Order No. MAA-6, the remainder of cost to be charged to Maintenance.

1423—R. T. 5006

Route No. 70—Application to Secretary of War for Permit to Make Borings for Proposed Brooklyn Crosstown Line—Approved

The Commission approved a request to the Secretary of War for a permit to make test borings along the proposed Jackson Avenue, Newtown Creek, Manhattan Avenue, Roebling Street and Bedford Avenue Route, Route No. 70.

1424—Cases Nos. 1264, 1380

The Long Island Railroad Company—Queens Grade Crossing Eliminations—Communication to Company Relative to Removal of Poles and Wires of New York and Queens Electric Light and Power Company—Filed

The Secretary presented a copy of a communication dated October 8, 1923, signed by Counsel to the Commission, and addressed to The Long Island Railroad Company, relative to the removal of poles and wires by the New York and Queens Electric Light and Power Company in connection with the grade crossing eliminations directed by the Commission's Order in Cases No. 1264 and 1380, and calling attention

to the Opinion of Counsel dated June 18, 1923 and that no steps had been taken as suggested therein to compel the latter company to remove and relocate its poles and wires and advising that the Commission would not be disposed to allow in the final accounting any charge for such removal and relocation as an item of expense of the elimination.

Thereupon the above mentioned communication was approved.

1425

New York Rapid Transit Corporation—Communication from Kings County District Attorney Transmitting Presentment of June Grand Jury Concerning Derailment of Elevated Train at Flatbush and Atlantic Avenues, Brooklyn—Recommendations by Chairman Approved

The Secretary presented a communication dated September 11, 1923, from Charles J. Dodd, District Attorney of Kings County, transmitting a presentment of the June Grand Jury of Kings County in relation to its inquiry into the accident of June 25, 1923, on the Fifth Avenue Elevated Line of the New York Rapid Transit Corporation, which said presentment read as follows:

To the COUNTY COURT OF KINGS COUNTY:

The Kings County Grand Jury for June, 1923, Submits to You the Following Presentment:

REPORT OF THE INQUIRY INTO THE ELEVATED RAILROAD ACCIDENT OF JUNE 25, 1923, IN WHICH A NUMBER OF PERSONS WERE KILLED AND INJURED.

By direction of the Court this Grand Jury, drawn for the June Term, was continued in service to inquire into this disaster and ascertain whether culpable negligence caused it and to indict in a proper case, if such negligence was found to exist.

On the afternoon of June 25, 1923, this community was visited by a most shocking and distressing accident when a train of the Fifth Avenue Line, running westerly on Flatbush Avenue, fell from the structure at a point where Flatbush and Atlantic Avenues intersect. The train carried two cars in which were from seventy-five to one hundred passengers. Of these eight were killed and scores painfully injured. Instantly and spontaneously, the sympathy of the entire community was aroused for the persons thus bereaved and injured. In common with all our fellow citizens, we deprecate the calamity and commiserate with those thus visited by misfortune, and we avail ourselves of this opportunity to make public an official expression of sympathy, inadequate though it be.

We respectfully report to the Court that, after listening to the sworn testimony of over one hundred witnesses, among whom were several engineers of exceptional ability and experience, and after making an exhaustive study of the case from every conceivable angle, we have been unable to discover evidence sufficient to warrant an indictment against any person for culpable, or as is sometimes called, criminal negligence. We have, however, gathered from our study of the case facts and information which we believe should be availed of, to the end that the possibility of a recurrence of such a dreadful accident will be greatly minimized, if not entirely removed. Predicated upon such facts and information, we, therefore, offer the following recommendations for the careful consideration of those charged with the care of passengers traveling on elevated structures:

Track Walkers:

These men should be of a more intelligent grade, thoroughly able to read, write and speak the English language, and their routes should be shortened to one-half of the present length, so that more frequent inspections of the roadbed can be made.

Inspections:

For the safety of the public at large a more stringent inspection of all vital parts of rolling stock and structures should be given in greater detail throughout

the entire system. To this end we suggest that the bonus given to inspectors on the discovery of defects which might cause accidents be doubled. This would serve as an incentive to the inspectors to make their inspections more complete.

Repairs to Structure and Roadbed:

A complete system of indexing short and long ties, inner and outer guard timbers, by means of plates numerically arranged, should at once be adopted, so as to expedite repairs and renewals on a sectional basis, all steel running rails, guard rails, frogs, switches, switch stands, fish plates and special steel work; we recommend that a sectional system also be adopted, and that each and every part of the aforesaid steel parts be stamped numerically with steel dies. By adopting this system the entire road, including all wood and steel work, would be sub-divided into sections, from station to station. We suggest the installation of inside steel guard rails at switches to the limit of practicability, so as to lighten the thrust imposed upon outside guard timbers in case of derailment. We also suggest that rules be promulgated and rigidly enforced regarding the speed with which trains may approach frogs and switches. We further recommend that steel girders, extending upward at least three and one-half feet above the roadbed, be installed at all curves and at special work where the running rails are interrupted by frogs and switches. At these points experience teaches that derailments most frequently occur. These girders would serve to prevent derailed trains from running off the structure.

Transit Commission:

We strongly recommend that all orders of the Transit Commission for repairs and renewals be more promptly complied with than is done under the present lax system. We understand that this Commission is authorized by law to see that their orders are promptly carried out and that such orders are to be regarded as mandatory rather than as mere suggestions. That a closer relationship, if possible, should be established between the Transit Commission and the railroads to the end that the safety of the traveling public will be first, last and at all times in the minds of those charged with this duty.

We wish to particularly compliment the District Attorney, Honorable Charles J. Dodd and his able staff of assistants for their thoroughly efficient manner of presenting cases and for the generally efficient method by which his office is conducted, and we are convinced that the people of Kings County have in these men a fearless, just and loyal body. We particularly commend the Assistant District Attorneys Mr. Joseph V. Gallagher and Mr. Edward Wynne for their high standards in presenting cases to us.

Thereafter the Engineer of Equipment and Operation of this Commission, under date of September 18, 1923, reported with respect to the recommendations of the said Grand Jury as follows:

"In reply to your request for comments on the recommendations contained in the report of the Grand Jury investigating the accident at Atlantic and Flatbush Avenues, Brooklyn, on June 25, 1923, I hand you the following, the headings of which are those contained in the report of the Grand Jury.

Track Walkers:

The suggestion that the track walkers be of a more intelligent grade would probably give a better inspection but it will be very difficult to maintain a sufficient force of particularly intelligent men on this class of work. I think perhaps, that this suggestion is based on the results of the examination of these men by the Grand Jury, in which examination some of the men were not able to properly answer questions. It may be that some of these men are of an inefficient type and should be replaced, but from our contact with the track walkers we are not able to call particular attention to anyone in this force. On this point I would suggest that the company's attention be called to the recommendation of the Grand Jury with a request that a real effort be made to eliminate any incompetent men.

Regarding the suggestion that the track walkers be able to read, write and speak the English language. While I believe this requirement is desirable I question whether it is advisable under existing conditions of the labor market. Some of the best track walkers I have seen were Italians who could barely speak English and undoubtedly could not read or write English but who thoroughly knew the requirements of their particular job.

Regarding the shortening of the routes to one-half of the present length, I believe that this recommendation should be made to the company. The present territory covered by the New York Rapid Transit Corporation seems to be larger than can be efficiently taken care of by one man, and based on information in hand is considerably greater than in the case of the Interborough Rapid Transit lines.

Inspections:

The suggestion that more stringent inspection of all vital parts be made is approved. However, the doubling of the bonus for the discovery of defects does not appear to be the proper way to attack this question. It is my understanding that most of the bonuses allowed for the discovery of defects have not been paid during the period of receivership. I believe that these bonuses should be restored and that the list of defects upon which bonuses are paid should include all serious possibilities and that the amount of the bonus should be sufficient to justify the men making a particular effort to discover such defects. I do not believe that the arbitrary doubling of the bonuses would effect a material improvement in this matter.

Repairs to Structure and Roadbed:

I can see no useful purpose in the indexing and numbering of all of the details of the structure. Such a record which involves a vast amount of work has been used on some roads but abandoned in favor of renewal upon direct inspection. In this work the material to be replaced depends almost entirely upon its condition regardless whether it has been installed one year or twenty years. Except in the case of an investigation like that made in connection with this accident at which inquiry is made as to the age of some individual tie or other part I cannot see that the card indexing of each part is of any value and I question whether the ability to answer questions as to age would warrant the labor involved.

The use of inside guard rails at switches to the limit of practicability is approved. The suggestion regarding regulation of speeds through frogs and switches is also advisable, if this is not already taken care of.

The use of steel girders extending upward $3\frac{1}{2}$ ft. above the road bed at all curves and at special work might sometimes prevent a train leaving the structure but this possibility is so remote that we do not think the great expense would be justified. In this connection attention is called to the fact that if these girders had been provided at the special work involved in the accident under investigation they would probably not have kept the train on the structure, as the first truck actually left the structure about 125 ft. west of the special work. I have an idea that this suggestion comes from someone who has noticed the through girder construction in use on some elevated roads particularly in Philadelphia in which the side girders extend up above the track. This type of structure under certain conditions is somewhat safer in case of derailment than the deck structure used in New York City. It is, however, much more expensive and I question whether the additional safety warrants the cost. If this question is to receive further consideration it should be referred to the engineering department.

Transit Commission:

Notwithstanding a lengthy explanation which I gave to the Grand Jury regarding the purpose of the reports and orders covering inspection of the railroads and equipment there seems to be a misunderstanding in this matter. So far as I am informed all 'orders' of the Transit Commission for repairs and renewals have been promptly, if not immediately, complied with. The present 'lax' system to which they refer apparently has reference to our inspection reports, which, under instructions from the Commission, are sent to the companies for their information. Such reports covering the car equipment are not sent to the company and there is no particular reason under the law as it has been explained to me why we should send the reports covering the track and structure which the Grand Jury has apparently assumed to be an order.

In the case of track, structure, car equipment and any other equipment or construction which we inspect, dangerous conditions are immediately called to the attention of the official in charge of such defects, and as noted above there has

never been a case where prompt attention has not been given. Some of the defects noted in our reports which are sent to the company and also in the car reports which are not sent to the company are of sufficient importance to warrant our close attention and in such a case subsequent check inspections are made to see whether the company is making repairs and whether the situation is developing into a condition which might be considered dangerous, the assumption being that all of these repairs will be taken in hand in the routine maintenance work. As I understand the instructions under which we are working it must be assumed that the company is doing its own inspection in a proper manner and the responsibility for failure rests on the company.

The inspection we are making is for our own information to assure ourselves that the company is safely maintaining its road and the sending of results of our inspection for the information of the company could not be construed as an order without the responsibility for the safe condition of the railroads resting on the Commission or at least on its engineering department. I will be glad to have you advise me if anything in this understanding is not correct.

Regarding the suggestion of a closer relationship between the Transit Commission and the railroads: Our inspection force is in continuous contact with the maintenance forces of the railroad and most of our requests are handled through this contact. In addition there is continuous contact between the Commission's staff and the operating heads of the companies. I do not see how a closer relationship can be established."

The Secretary then presented the communication dated October 4, 1923 from the Chairman of the Commission as follows:

"I am attaching hereto Mr. Latey's report upon the recommendations of the Kings County Grand Jury made apropos of the derailment at Atlantic and Flatbush Avenues on June 25th, 1923. I would suggest:

(1) that some formal note be taken at a meeting of the Commission of the receipt of the copy of the Grand Jury's recommendations and of the tenor of Mr. Latey's comments and report upon them;

(2) that the New York Rapid Transit Corporation be advised of the judgment and the wishes of the Commission with relation to action upon such of the recommendations as have the Commission's approval; and

(3) that some minute be adopted by the Commission to the effect that any public inquiry, upon its part, in the matter of the accident in question was, as we announced at the time, deferred pending the completion of the investigation by the Grand Jury; and that in view of the thorough attention given the matter by the Grand Jury and its resultant recommendations, no separate investigation on our part need now be undertaken."

On motion duly seconded it was resolved that the suggestions of the Chairman as above set forth be approved and adopted and that the Counsel to the Commission prepare a proper communication to New York Rapid Transit Corporation directing it to carry into effect those recommendations of the Engineer of Equipment and Operation which are deemed by him to be practicable as evidenced by his said report.

Ayes—Chairman McAneny, Commissioners Harkness and O'Ryan.

Nays—None.

Carried.

1426

The Long Island Railroad Company—Elimination of Grade Crossings—Petition of Residents of Corona and Elmhurst Referred to Engineer of Structures

The Secretary presented petitions of THE STAR of Long Island City and residents of Corona and Elmhurst, requesting a hearing with respect to elimination of grade crossings of The Long Island Railroad Company at Corona and Elmhurst.

Thereupon the above mentioned petitions were referred to the Engineer of Structures.

1427—Case No. 2631

The Brooklyn City Railroad Company—Relocation of Tracks in Fresh Pond Road—Communication from President of Borough of Queens—Letter to Borough President—Filed

The Secretary presented a communication dated October 1, 1923, from the President of the Borough of Queens, advising that The Brooklyn City Railroad Company had refused to accept the type of pavement and had requested modification of paving order but that no modification would be made, and requesting the Commission to take the necessary steps to enforce its order in Case No. 2631 requiring the relocation of the company's tracks in Fresh Pond Road.

The Secretary also presented a copy of a communication dated October 4, 1923, transmitted to the Borough President of Queens, stating that the matter had been taken up with the company which advised that the work will begin October 5, 1923 and that there would be no delay in the construction.

Thereupon the above mentioned papers were ordered filed.

1428—R. T. 7038

Route No. 50—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at No. 4 and 6 Ely Avenue, Borough of Queens—Filed

The Commission ordered filed a communication dated October 8, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, transmitting an original deed of release dated January 12, 1923, from J. Harvey Smedley and Alvan T. Payne, conveying to the City of New York certain easements in front of the premises at Nos. 4 and 6 Ely Avenue, Borough of Queens,—which deed was recorded in the office of the Clerk of the County of Queens, in Liber 2510, page 111 of Conveyances and is indexed under Section 2, Block 396, on the land map of the County of Queens.

1429—R. T. 7038

Route No. 50—Communication from Acting Corporation Counsel Transmitting Original Deed of Release for Easements in Front of Premises at No. 40 Ely Avenue, Borough of Queens—Filed

The Commission ordered filed a communication dated October 9, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, transmitting an original deed of release dated February 27, 1923, from Louisa Freelan, Emily Freeman, Josephine Blint, et al., conveying to the City of New York certain easements in front of the premises at No. 40 Ely Avenue, Borough of Queens,—which deed was recorded in the office of the Clerk of the County of Queens, in Liber 2511, page 18 of Conveyances, and is indexed under Section 2, Block 400, on the land map of the County of Queens.

1430

Employees' Calendar No. 171

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII:4—Leland V. Matheis, junior assistant, at \$125.08 per month, to take effect October 15, 1923; Nicholas G. Pagler, junior assistant, at \$125.08 per month, to take effect October 16, 1923; Edward Wegmann, draftsman, at \$175.08 per month, to take effect October 10, 1923.

Reinstatement—William N. Niles, junior engineer, at \$175.00 per month, to take effect November 1, 1923.

Resignations—Nathan I. Goldstone, assistant chemist, at \$175.00 per month, to take effect October 19, 1923; C. John Judge, draftsman, at \$175.08 per month, to take effect October 17, 1923; William N. Niles, junior engineer, at \$175.00 per month, to take effect November 1, 1923.

Termination of Appointment under Rule VIII:4—Nicholas S. Mogavero, junior assistant, at \$125.08 per month, to take effect October 16, 1923.

Retired under Chapter 741—Laws of 1920—James E. Ramsey, transit inspector, at \$137.50 per month, to take effect October 15, 1923.

Change of Item in Resolution of October 11, 1923, so as to Read as follows: (Reinstatement under Rule XVI:1)—Belle Wolf, stenographer, at \$150.00 per month, to take effect October 22, 1923.

Leaves of Absence with Pay—Hyman J. Abramson, accountant, from September 10, 1923, to October 3, 1923; Sybil R. Berman, stenographer, from September 11, 1923, to October 1, 1923; Stephen L. Bower, architectural designer, from September 17, 1923, to October 18, 1923.

1431

Voucher Schedule No. 43

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York:

Vouchers Nos. 985-989, open market orders, \$285.62; Vouchers Nos. 533-537, miscellaneous bills, \$168.69.

Estimates by Chief Engineer of Value of Work Done and Materials Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 274; Joslin Construction Company, Inc., approximate estimate No. 14 for the reconstruction of a part of the Queensboro Subway Rapid Transit Railroad, Route No. 26, Jackson Avenue Station, from September 1, 1923 to September 30, 1923 (R. T. 7556) \$8,637.66;

Voucher No. 275; Holbrook, Cabot & Rollins Corporation, approximate estimate No. 16 for the construction of a new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, from September 1, 1923 to September 30, 1923 (R. T. 6114) \$5,478.58;

Voucher No. 276; Otis Elevator Company, approximate estimate No. 4 for furnishing and installing two electric passenger elevators in the new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, from September 1, 1923 to September 30, 1923 (R. T. 7623) \$10,477.35;

Voucher No. 277; Jacob Schlesinger, Inc., approximate estimate No. 4 for the construction of inspection shed and service buildings at the Jerome Avenue Yard, Route No. 16, from September 7, 1923 to October 6, 1923 (R. T. 7636) \$7,778.12.

1432

Upon motion duly seconded and adopted, the meeting was adjourned to Thursday, October 25, 1923.

1433

Hearing

The following hearing was adjourned:

Case No. 2699; Manhattan Bus Corporation; Application for a certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan. Adjourned to October 30, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, October 24, 1923

1434

Hearings

The following hearings were held:

10:45 A. M.; Case No. 2657; The Long Island Railroad Company; Application of the Board of Estimate and Apportionment of The City of New York, for a determination as to the manner in which a temporary crossing for pedestrians should be carried across the tracks of the Flushing and Northside Division at 192nd Street (Lancaster Avenue) in the Borough of Queens. George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Hearing closed.

11:15 A. M.; Case No. 2670; The Long Island Railroad Company and New York Consolidated Railroad Company; Application of the Board of Estimate and Apportionment of The City of New York, for a determination as to the method by which 6th Avenue between 63rd and 64th Streets, in the Borough of Brooklyn, should be carried across the tracks of the companies. George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Hearing adjourned subject to call.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, October 25, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1435—R. T. 7703

Route No. 16—Form of Contract, Specifications, Invitation to Contractors, etc., for Installation of Tracks in Part of Jerome Avenue Yard—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms

of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the installation of tracks in a part of the Jerome Avenue Yard of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad, Line S, Route No. 16,

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the installation of tracks in a part of the Jerome Avenue Yard of the Seventh Avenue-Lexington Avenue Rapid Transit Railroad, Line S, Route No. 16, be and they are hereby approved and adopted and that said Invitation to Contractors be published in the CITY RECORD every day of publication continuously from and including October 29, 1923 to and including November 13, 1923 and on October 29, 1923 and November 5, 1923 in NEW YORK COMMERCIAL and THE SUN AND GLOBE, daily newspapers published in The City of New York and that such bids as shall be received shall on the 13th day of November, 1923 at eleven-thirty (11:30) o'clock a. m. or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission at the office of the Transit Commission, and read.

1436—R. T. 7653

Agreement "CN"—Resolution Approving Sureties upon Bond Deposited by Contractor for Changes in Subway Structure and Construction of Ventilation Flue at West 32nd Street and Broadway—Adopted

The following resolution was adopted:

Resolved, That the United States Fidelity and Guaranty Company and the Maryland Casualty Company be, and hereby are, approved as sureties upon the bond in the sum of Five Thousand (\$5,000) Dollars, deposited by Slattery Engineering and Construction Company, Inc., as security for the faithful performance of the contract for changes in the subway structure at Broadway, incidental to the widening of West 32nd Street and the construction of a Ventilation Flue at West 32nd Street and Broadway—Agreement "CN",—each of said sureties being held and bound in the sum of Two Thousand Five Hundred (\$2,500) Dollars.

1437—R. T. 7644

Agreement "CP"—Resolution Approving Sureties upon Bond Deposited by Contractor for Changes in Railroad Structure to Provide for Crossover on Section No. 5 of Route No. 8—Adopted

The following resolution was adopted:

Resolved, That the Royal Indemnity Company and Globe Indemnity Company be, and hereby are, approved as sureties upon the bond in the sum of Five Thousand (\$5,000) Dollars, deposited by David Levy, as security for the faithful performance of the contract for making changes in the Railroad Structure to provide for a Crossover on Section No. 5, Route No. 8, Bushwick Avenue, Borough of Brooklyn—Agreement "CP", each of said sureties being held and bound in the sum of Two Thousand Five Hundred (\$2,500) Dollars.

1438—R. T. 7681

Contract No. 3—Resolution Approving Sureties upon Bond in Sum of \$100,000 Deposited by Contractor as Security for Construction of Enclosures of Third Addition to Shops at Lenox Avenue and 148th Street Yard—Adopted

The following resolution was adopted:

Resolved, That the United States Fidelity and Guaranty Company, Maryland Casualty Company and Continental Casualty Company be and hereby are approved as sureties upon the bond in the sum of One hundred thousand dollars (\$100,000.) deposited by D. C. Serber as security for the faithful performance of the contract for the construction of enclosures of the Third Addition to Shops at Lenox Avenue and 148th Street Yard, each of said sureties being held and bound as follows:

United States Fidelity and Guaranty Company	\$33,333.34
Maryland Casualty Company	33,333.33
Continental Casualty Company.....	33,333.33

1439—R. T. 7591

Route No. 70-D—Resolution Extending Time Thirty Days from October 30, 1923, to Board of Estimate and Apportionment for Consideration of Bedford Avenue-Brighton Beach Railway Connection—Adopted

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn in the City of New York, known as the Bedford Avenue-Brighton Beach, Railway Connection, Route No. 70-D, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time as extended by resolution of this Commission adopted September 25, 1923, expires on October 30, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said Committees,

Resolved, That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment, in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended thirty (30) days from October 30, 1923.

1440—R. T. 7591

Route No. 70-C—Resolution Extending Time Thirty Days from October 30, 1923, to Board of Estimate and Apportionment for Consideration of Bedford Avenue, Fulton Street and Livingston Street Route—Adopted

The following resolution was adopted:

Whereas, This Commission by resolution adopted May 15, 1923, adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn in the City of New York, known as the Bedford Avenue, Fulton Street and Livingston Street Route, Route No. 70-C, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by the said Board within sixty days after it shall have been first received by said Board, which time as extended by resolution adopted September 25, 1923, expires on October 30, 1923; and

Whereas, The said route and general plan is now being considered by committees of the said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said committees,

Resolved; That the time within which a final vote shall be taken upon the said route and general plan by the Board of Estimate and Apportionment, in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended thirty (30) days from October 30, 1923.

1441—R. T. 6423

Contract No. 3—Resolution Directing Requisition upon Board of Estimate and Apportionment for Appropriation of Seven Hundred Fifty Thousand Dollars for Interest Charges—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

Whereas, The Department of Finance, by Duncan MacInnes, its Chief Accountant, has informed the Transit Commission that the interest charges on bonds and notes issued and to be issued for the contract dated March 19, 1913, known as Contract No. 3

will require the additional appropriation of Seven hundred fifty thousand dollars (\$750,000),

Resolved, That pursuant to the provisions of the Rapid Transit Act and Section 45 of the Greater New York Charter requisition be made upon the Board of Estimate and Apportionment for the appropriation of corporate stock for the amount of Seven hundred fifty thousand dollars (\$750,000), to pay interest upon bonds and notes issued and to be issued for said Contract No. 3, such requisition to be in addition to all other authorizations heretofore made by said Board of Estimate and Apportionment for the purposes of said Contract No. 3,

Further Resolved, That a requisition in the form now submitted by Counsel be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

October 25, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Requisition is hereby made upon your Honorable Board for the authorization of corporate stock in the amount of Seven hundred fifty thousand dollars (\$750,000) said amount to be applied to meet charges of interest upon bonds and notes issued and to be issued for the purposes of the contract dated March 19, 1913, known as Contract No. 3. This Commission is advised by the Department of Finance that this sum is now required.

This requisition is in addition to the requisitions submitted to and authorizations heretofore made by your Board for the purposes of carrying out said Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1442—R. T. 6424

Contract No. 4—Resolution Directing Requisition upon Board of Estimate and Apportionment for Appropriation of One Million Dollars for Interest Charges—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

Whereas, The Department of Finance, by Duncan MacInnes, its Chief Accountant, has informed the Transit Commission that the interest charges on bonds and notes issued and to be issued for the contract dated March 19, 1913, known as Contract No. 4, will require the additional appropriation of One million dollars (\$1,000,000),

Resolved, That pursuant to the provisions of the Rapid Transit Act and Section 45 of the Greater New York Charter requisition be made upon the Board of Estimate and Apportionment for the appropriation of corporate stock for the amount of One million dollars (\$1,000,000) to pay interest upon bonds and notes issued and to be issued for said Contract No. 4, such requisition to be in addition to all other authorizations heretofore made by said Board of Estimate and Apportionment for the purposes of said Contract No. 4,

Further Resolved, That a requisition in the form now submitted by Counsel be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

October 25, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Requisition is hereby made upon your Honorable Board for the authorization of corporate stock in the amount of One million dollars (\$1,000,000), said amount to be applied to meet charges of interest upon bonds and notes issued and to be issued for the purposes of the contract dated March 19, 1913, known as Contract No. 4. This Commission is advised by the Department of Finance that this sum is now required.

This requisition is in addition to the requisitions submitted to and authorizations heretofore made by your Board for the purposes of carrying out said Contract No. 4.

TRANSIT COMMISSION.

By GEORGE McANENY,
Chairman.

1443—R. T. 7345

Route No. 48—Report by Real Estate Clerk Recommending Resubmission of Request to Commissioners of Sinking Fund for Sale of Parcel of Property on Columbia Heights, Borough of Brooklyn, to Joseph Parascandola for \$3,600, and that Balance of Plot Be Sold at Upset Price of \$16,400—Approval Resolution—Communication to Commissioners of Sinking Fund

A report was presented from the Real Estate Clerk dated October 15, 1923, recommending the resubmission of a request to the Commissioners of the Sinking Fund for the approval of the sale of a parcel of property on Columbia Heights, north of Clark Street, Borough of Brooklyn, to Joseph Parascandola, for the sum of \$3,600; and that the balance of the plot be sold at public auction at the upset price of \$16,400.

The following resolution was adopted:

Whereas, The Commissioners of the Sinking Fund of The City of New York at their meeting on September 27, 1923, referred back to the Commission for further consideration and action in accordance with law the request of the Commission dated December 29, 1922, for approval of the sale to Joseph Parascandola of a certain parcel of ground having a frontage of 6 feet on Columbia Heights and a depth of 150 feet, located 32 feet 2 inches north of the northerly line of Clark Street produced, in the Borough of Brooklyn, subject to certain easements of light, air and access to be retained by the City, for the sum of \$3,600, and of the sale at public auction of a parcel of land between the aforesaid parcel of land and the said northerly line of Clark Street produced, at the upset price of \$16,400, both said parcels having been submitted in one plot for sale at public auction at the upset price of \$20,000, without any bids having been received therefor; and

Whereas, The action of the Commissioners of the Sinking Fund of The City of New York, above referred to, was predicated upon a report of the Comptroller of The City of New York which reads in part as follows:

"The Commissioners of the Sinking Fund may authorize sales of real property only at public auction.

The Transit Commission has no power to settle and adjust claims for or against The City of New York; nor can judgment for or against the City be permitted or consented to by the Transit Commission or the Commissioners of the Sinking Fund. Such action must proceed upon the recommendation of the Corporation Counsel and the approval of the Comptroller."

and

Whereas, The Real Estate Clerk, under date of October 15, 1923, has reported upon this matter that the Commissioners of the Sinking Fund have at various times authorized the sale privately of property of similar character, that there is no provision of the Rapid Transit Act requiring the sale at public auction and that the fact that the proposed sale to the said Joseph Parascandola would automatically dispose of pending litigation did not enter as an element of real estate value in fixing the upset price, submitting a form of communication to the Sinking Fund Commission again requesting the approval of the proposed sale privately to the said Joseph Parascandola at the price of \$3,600, and of the sale at public auction of the other parcel referred to at the upset price of \$16,400, upon the following terms:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in

installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York;

which said report and proposed form of communication have been approved by Counsel;

Resolved, That the Commission do, and it hereby does, approve the aforesaid report of the Real Estate Clerk, and that the proposed form of communication, as approved by Counsel, be, and the same hereby is, approved, and that the Chairman be, and he hereby is, authorized and directed, on behalf of the Commission, to sign the said form of communication.

The communication to the Commissioners of the Sinking Fund, as authorized by the above resolution, was as follows:

October 25, 1923.

COMMISSIONERS OF THE SINKING FUND
of The City of New York,
Municipal Building,
New York City, N. Y.
Sirs:

Your Honorable Board on September 27, 1923, (Item No. 226 of the printed calendar) referred back to this Commission for further consideration and action in accordance with law the matter of the proposed sale to Joseph Parascandola of a certain plot of vacant land having a frontage of 6 feet on Columbia Heights and a depth of 150 feet near the foot of Clark Street, in the Borough of Brooklyn, subject to certain rights of light, air and access to be retained by the City, for the sum of \$3,600, and corollary thereto the matter of the sale at public auction of the remainder plot of land having a frontage of 32 feet 6 inches and a depth of 150 feet, located between the parcel above referred to and the northerly line of Clark Street produced, the City to retain certain easements for rapid transit purposes, at a minimum or upset price of \$16,400. This action of your Honorable Board was predicated upon an adverse report of the Comptroller of The City of New York, which was in part as follows:

"The Commissioners of the Sinking Fund may authorize sales of real property only at public auction.

The Transit Commission has no power to settle and adjust claims for or against The City of New York; nor can judgment for or against the City be permitted or consented to by the Transit Commission or the Commissioners of the Sinking Fund. Such action must proceed upon the recommendation of the Corporation Counsel and the approval of the Comptroller."

The disposition of surplus property originally acquired for rapid transit purposes is governed by the express provisions of the Rapid Transit Act (being Chapter 4 of the Laws of 1891 as amended). There is no provision in this Act limiting the Commissioners of the Sinking Fund of The City of New York or the Transit Commission to sales at public auction only, and, in the opinion of this Commission, such a limitation is not even implied. The Commissioners of the Sinking Fund of The City of New York have from time to time authorized the sale of property, such as this, at private sale, and the Commissioners of the Sinking Fund of The City of New York, among whom was the present Comptroller of The City of New York, authorized the sale of the largest parcel of such property ever sold by The City of New York, to wit, the site of what was known as the Grand Union Hotel, at the price of \$2,900,000, after the plot had failed of a sale at public auction at the upset price of \$2,800,000, and conveyance was completed under such authorization by Transit Construction Commissioner John H. Delaney, and a reputable title company issued a title insurance policy, the authority of the Commissioners of the Sinking Fund of The City of New York and of the Transit Construction Commissioner in the matter not having been questioned.

As to the second objection in the Comptroller's report above quoted that the Transit Commission and the Commissioners of the Sinking Fund of The City of New York are

limited with respect to the settlement and adjustment of claims for or against The City of New York, it should be understood that the fact that the proposed sale to Joseph Parascandola would accomplish an end to litigation was not considered an element entering into the value of the land to be sold. The proposed sale was judged solely on its merits as a real estate proposition by parties of requisite knowledge and experience in such matters. It is the duty of the Transit Commission, with the consent of your Honorable Board, to dispose of such property and the fact that the proposed disposition of this particular property would result in an end of pending litigation with an apparent saving to The City of New York was, and is, a strong reason for severing the plot proposed to be sold to Joseph Parascandola and selling it separately from the balance of the parcel, the whole of which was put up at public auction and failed of sale.

The Commission, therefore, is of the opinion that its action with regard to this property has been strictly in accordance with law and again respectfully requests that your Honorable Board approve the sale of the parcel to Joseph Parascandola upon the terms and at the upset price set forth in its communication of December 29, 1922, referred to on the printed calendar of the meeting of your Honorable Board of September 27, 1923, in Item No. 226.

With regard to the remainder parcel, the sale of which at public auction at an upset price of \$16,400 your Honorable Board was requested to approve in the aforesaid communication of December 29, 1922, please be advised that this Commission has approved and submits for the consideration and approval of your Honorable Board the following general terms of sale, to wit:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price; shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1444—R. T. 7489

Route No. 31—Report by Real Estate Clerk Recommending Resubmission of Request to Commissioners of Sinking Fund for Sale of Surplus Property on Westerly Side of Linwood Street, between New Lots and Hegeman Avenues, Borough of Brooklyn, at Upset Price of \$12,000—Approval Resolution—Communication to Commissioners of Sinking Fund

A report was presented from the Real Estate Clerk, dated October 15, 1923, recommending the resubmission of a request to the Commissioners of the Sinking Fund for the sale at public auction of surplus property on the westerly side of Linwood Street, between New Lots and Hegeman Avenues, Borough of Brooklyn, at the upset price of \$12,000.

The following resolution was adopted:

Whereas, The Transit Commission, under date of July 13, 1922, requested the approval of the Commissioners of the Sinking Fund of The City of New York of the sale of a parcel of vacant land located on the westerly side of Linwood Street between New Lots and Hegeman Avenues, Borough of Brooklyn, at the upset price of \$12,000 upon such conditions otherwise as the Transit Commission should deem to be in the interest of The City of New York; and

Whereas, The Commissioners of the Sinking Fund at their meeting on September 27, 1923 (See Item No. 224 on the printed calendar for that date) referred back to the Commission this matter with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter might again be submitted to the Commissioners of the Sinking Fund of The City of New York for their approval; and

Whereas, The Real Estate Clerk, under date of October 15, 1923, has reported upon this matter, stating that in his opinion the course suggested by the Commissioners of the Sinking Fund of The City of New York, even though not required by the provisions of the Rapid Transit Act, should be approved for the reasons (1) that terms of sale may be, and frequently are, elements in the determination of a fair upset price and (2) that joint approval of identical essential terms by the Commissioners of the Sinking Fund of The City of New York and by the Transit Commission should have the effect of strengthening the chain of title as between The City of New York and the purchaser of property of this character, in which opinion Counsel has concurred; submitting a form of communication to the Commissioners of the Sinking Fund;

Resolved, That the Commission do, and it hereby does, approve the suggestion of the Commissioners of the Sinking Fund of The City of New York and that it do, and hereby does, approve the following essential terms of sale for the sale at public auction of the parcel of vacant land above referred to, the communication of the Commission to the Commissioners of the Sinking Fund of The City of New York of July 13, 1922, being in all other respects reaffirmed:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York;

that the form of communication to the Commissioners of the Sinking Fund of The City of New York, as approved by Counsel, be, and the same hereby is, approved, and that the Chairman be, and he hereby is, authorized and directed to sign the said form of communication in its behalf.

The communication to the Commissioners of the Sinking Fund, as authorized by the above resolution, was as follows:

October 25, 1923.

COMMISSIONERS OF THE SINKING FUND,
of The City of New York,
Municipal Building,
New York City, N. Y.
Sirs:

Your Honorable Board at its meeting on September 27, 1923, (See Item No. 224 on the printed calendar for that date) referred back to this Commission the matter of the proposed sale at public auction of a certain parcel of vacant land on the westerly side of Linwood Street between New Lots and Hegeman Avenues, Borough of Brooklyn, at not less than the upset price of \$12,000, with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter may be again submitted to your Honorable Board for its approval. While such a course is apparently not required by the provisions of the Rapid Transit Act, which govern matters of this character, and while such a course has not heretofore been in practice, it is nevertheless good public policy for the reasons principally that such terms may, and quite frequently do, enter as elements in the determination of a fair upset price and joint approval of identical

essential terms by your Honorable Board and this Commission should have the effect of strengthening the chain of title as between The City of New York and the purchase of property of this character. The Commission has, therefore, by resolution of this date adopted the following terms of sale to govern the sale at public auction of the property above referred to, reaffirming in other respects the substance of its communication to your Honorable Board, dated July 13, 1922:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York.

The Commission requests that your Honorable Board reconsider this matter and authorize the sale of the parcel of land in question at not less than the upset price of \$12,000 upon the terms set forth in the communication of July 13, 1922, as supplemented by the foregoing terms. A certified copy of the resolution of the Commission of this date with regard to this matter is transmitted herewith.

Very truly yours,
 GEORGE McANENY,
 Chairman.

1445—R. T. 7489

Route No. 31—Report by Real Estate Clerk Recommending Resubmission of Request to Commissioners of Sinking Fund for Sale of Surplus Property on Easterly Side of Elton Street, between New Lots and Hegeman Avenues, Borough of Brooklyn, at Upset Price of \$9,900—Approval Resolution—Communication to Commissioners of Sinking Fund

A report was presented from the Real Estate Clerk, dated October 15, 1923, recommending the resubmission of a request to the Commissioners of the Sinking Fund, for the sale at public auction of surplus property on the easterly side of Elton Street, between New Lots and Hegeman Avenues, Borough of Brooklyn, at the upset price of \$9,900.

The following resolution was adopted:

Whereas, The Transit Commission, under date of July 13, 1922, requested the approval of the Commissioners of the Sinking Fund of The City of New York of the sale of a parcel of vacant land located on the easterly side of Elton Street between New Lots and Hegeman Avenues, Borough of Brooklyn, at the upset price of \$9,900 upon such conditions otherwise as the Transit Commission should deem to be in the interests of The City of New York; and

Whereas, The Commissioners of the Sinking Fund at their meeting on September 27, 1923 (See Item No. 225 on the printed calendar for that date) referred back to the Commission this matter with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter might again be submitted to the Commissioners of the Sinking Fund of The City of New York for their approval; and

Whereas, The Real Estate Clerk, under date of October 15, 1923, has reported upon this matter, stating that in his opinion the course suggested by the Commissioners of the Sinking Fund of The City of New York, even though not required by the provisions of the Rapid Transit Act, should be approved for the reasons (1) that terms of sale may be, and frequently are, elements in the determination of a fair upset price and

(2) that joint approval of identical essential terms by the Commissioners of the Sinking Fund of The City of New York and by the Transit Commission should have the effect of strengthening the chain of title as between The City of New York and the purchaser of property of this character, in which opinion Counsel has concurred, submitting a form of communication to the Commissioners of the Sinking Fund;

Resolved, That the Commission do, and it hereby does, approve the suggestion of the Commissioners of the Sinking Fund of The City of New York and that it do, and hereby does, approve the following essential terms of sale for the sale at public auction of the parcel of vacant land above referred to, the communication of the Commission to the Commissioners of the Sinking Fund of The City of New York of July 13, 1922, being in all other respects reaffirmed:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York;

that the form of communication to the Commissioners of the Sinking Fund of The City of New York, as approved by Counsel, be, and the same hereby is, approved, and that the Chairman be, and he hereby is, authorized and directed to sign the said form of communication in its behalf.

The communication to the Commissioners of the Sinking Fund, as authorized by the above resolution, was as follows:

October 25, 1923.

COMMISSIONERS OF THE SINKING FUND,
of The City of New York,
Municipal Building,
New York City, N. Y.
Sirs:

Your Honorable Board at its meeting on September 27, 1923, (See Item No. 225 on the printed calendar for that date) referred back to this Commission the matter of the proposed sale at public auction of a certain parcel of vacant land on the easterly side of Elton Street between New Lots and Hegeman Avenues, Borough of Brooklyn, at not less than the upset price of \$9,900, with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter may be again submitted to your Honorable Board for its approval. While such a course is apparently not required by the provisions of the Rapid Transit Act, which govern matters of this character, and while such a course has not heretofore been in practice, it is nevertheless good public policy for the reasons principally that such terms may, and quite frequently do, enter as elements in the determination of a fair upset price and joint approval of identical essential terms by your Honorable Board and this Commission should have the effect of strengthening the chains of title as between The City of New York and the purchaser of property of this character. The Commission has, therefore, by resolution of this date adopted the following terms of sale to govern the sale at public auction of the property above referred to, reaffirming in other respects the substance of its communication to your Honorable Board, dated July 13, 1922.

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years

payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York.

The Commission requests that your Honorable Board reconsider this matter and authorize the sale of the parcel of land in question at not less than the upset price of \$9,900 upon the terms set forth in the communication of July 13, 1922, as supplemented by the foregoing terms. A certified copy of the resolution of the Commission of this date with regard to this matter is transmitted herewith.

Very truly yours,
 GEORGE McANENY,
 Chairman.

1446—R. T. 6960, 7235, 7354

Contract No. 3 and Elevated Extension Certificate—Proposed Agreement with Interborough Rapid Transit Company for Selection of Hon. Abel E. Blackmar to Succeed Late Hon. Luke D. Stapleton as Third Arbitrator in Proceedings with Respect to Operating Expenses and Classification and Amount of Depreciation—Approval Resolution

The following resolution was adopted:

Counsel presented the following proposed agreement between the Transit Commission, acting for and on behalf of The City of New York, and Interborough Rapid Transit Company:

Agreement made this _____ day of _____, 1923, between the Transit Commission, acting for and on behalf of The City of New York, party of the first part, and Interborough Rapid Transit Company, a domestic corporation in The State of New York, party of the second part.

Whereas, Heretofore and on or about the 5th day of April, 1921, the parties hereto, pursuant to the provisions of Articles XXVII and XXX of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company, known as Contract No. 3, did agree upon and select Honorable Luke D. Stapleton of New York City, New York, as Third Arbitrator to act in the Arbitration in regard to certain matters in controversy between the parties hereto arising upon the objections dated November 24, 1920 and January 28, 1921 of the Transit Construction Commissioner (predecessor of the Transit Commission) in and by the notice given by the said Transit Construction Commissioner to said Interborough Rapid Transit Company dated March 3, 1921; and

Whereas, By agreement dated June 13, 1922, pursuant to the provisions of Article XXX of said Contract No. 3 and pursuant also to the provisions of Article XVI of the certificate dated March 19, 1913 for Elevated Extensions granted to said Interborough Rapid Transit Company by the Public Service Commission for the First District, the parties hereto did agree upon and select Honorable Luke D. Stapleton of New York City, New York, as Third Arbitrator to act in the Arbitration with regard to certain matters in controversy between the parties hereto arising upon the failure of the parties to determine and agree upon the classification and amount of depreciation and excess maintenance in accordance with subdivisions 4 and 5 of Article XLIX of said Contract No. 3 and subdivisions 4 and 5 of Article XII of said Elevated Extension Certificate as submitted to Arbitration in and by the notice given by the said Transit Construction Commissioner to said Interborough Rapid Transit Company by letter dated March 12, 1921; and

Whereas, It is provided in said Article XXX of said Contract No. 3 and said Article XVI of said Elevated Extension Certificate that in case any vacancy shall at any time occur by reason of the death, resignation or inability to serve

of any Arbitrator, his successor shall be nominated in the same manner and within the same times as therein provided for in case of the original nomination of such Arbitrator; and

Whereas, The position of Third Arbitrator in said pending Arbitration proceedings hereinbefore enumerated has become vacant by the death of the said Honorable Luke D. Stapleton and the time within which the parties hereto shall agree upon the successor to the said Honorable Luke D. Stapleton as such Third Arbitrator in said Arbitration proceedings has been extended by stipulation from time to time to and including October 31, 1923,

Now, Therefore, The parties hereto pursuant to the provisions of Articles XXVII and XXX of Contract No. 3 and pursuant also to the provisions of Article XVI of said Elevated Extension Certificate have selected and agreed upon and do hereby select and agree upon Honorable Abel E. Blackmar of the Borough of Brooklyn, City and State of New York, as successor to the said Honorable Luke D. Stapleton, deceased, as Third Arbitrator in the said Arbitration proceedings hereinbefore enumerated.

In Witness Whereof, This agreement has been executed by the Transit Commission and its official seal has been hereto affixed and attested by its Secretary and these presents signed by its Chairman all the day and year first above written.

Resolved, That said proposed agreement so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized and directed to execute and deliver said proposed agreement hereby approved.

1447—R. T. 6080

Fourth Avenue Subway—Application by Isidor Kupfershmid for Permission to Occupy Two Small Areas in the Concession Held by Barnett Budoff in the Property on the South Side of Fulton Street between Rockwell Place and Ashland Place, Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Isidor Kupfershmid, dated October 13, 1923, requesting permission to occupy two small areas in the concession now held by Barnett Budoff in the property on the south side of Fulton Street between Rockwell Place and Ashland Place, Borough of Brooklyn, so as to comply with the requirements of the Fire Department for fire exits to the premises at Nos. 77-81 Rockwell Place.

A report was presented from the Real Estate Clerk, dated October 18, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Isidor Kupfershmid having a place of business at No. 118 Delancey Street, Borough of Manhattan, has by application dated October 13, 1923, requested permission to occupy the following space now contained in the concession let by the Commission to Barnett Budoff in the property on the southerly side of Fulton Street between Rockwell Place and Ashland Place, Borough of Brooklyn, to wit: (A) A rectangular space having a common center with a fire exit door on the easterly wall of the main room of the restaurant building known as Nos. 77-81 Rockwell Place, eight (8) feet wide and twenty (20) feet long measured from east to west. (D) Approximately 170 square feet of floor space in the small one-story building on the rear of what was originally known as Lot No. 20 or No. 592 Fulton Street; agreeing to pay \$37.00 per month rental beginning October 1, 1923, to vacate on fifteen (15) days' notice and to other terms such as are usually contained in similar applications; and

Whereas, The said Barnett Budoff has agreed to this variation in the space occupied by his concession, upon the understanding that his rental shall be reduced by an amount corresponding to the rental to be paid by the said Isidor Kupfershmid beginning November 1, 1923; and

Whereas, The Real Estate Clerk, under date of October 18, 1923, has reported

upon this application stating that the main purpose of this application is to comply with a requirement of the Fire Department, recommending that this application be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe such approval on said application; and it is further

Resolved, That the adjustment of rental with the said Barnett Budoff be, and the same hereby is, approved.

1448—R. T. 6080

Contract No. 3—Application by A. Z. Zandman for Permission to Maintain Lunch Wagon at the Northeasterly Corner of West 145th Street and Lenox Avenue, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from A. Z. Zandman, dated October 1, 1923, requesting permission to maintain a lunch wagon at the northeasterly corner of West 145th Street and Lenox Avenue, Borough of Manhattan, at a rental of \$35.00 per month beginning November 1, 1923, \$40.00 per month beginning May 1, 1924, and \$50.00 per month beginning November 1, 1924.

A report was presented from the Real Estate Clerk dated October 18, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, A. Z. Zandman of No. 366 East 161st Street, Borough of The Bronx, has by application dated October 1, 1923, requested permission to maintain a lunch wagon at the northeasterly corner of West 145th Street and Lenox Avenue, Borough of Manhattan, agreeing to pay \$35.00 per month rental beginning November 1, 1923, \$40.00 per month rental beginning May 1, 1924, and \$50.00 per month rental beginning November 1, 1924, to vacate on fifteen (15) days' notice and to the other usual terms contained in similar applications; and

Whereas, The Real Estate Clerk, under date of October 18, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be and he hereby is, authorized and directed to subscribe its approval upon said application.

1449—R. T. 7528

Route No. 18—Report by Acting Chief Engineer Recommending Establishment of Lump Sum Price for Removal of Switch and Crossing under Contract for Installation of Tracks at 239th Street Yard—Approval Resolution

A report was presented from the Acting Chief Engineer dated October 19, 1923, recommending the establishment of a lump sum price as described below, and the following resolution was adopted:

Whereas, The Acting Chief Engineer of the Transit Commission, in pursuance of Item No. 3000 of the contract dated November 24, 1922 between the City of New York, acting by the Commission, and Michael Del Balso, for the installation of tracks for the 239th Street Yard, Route No. 18, having, subject to the approval of the Commission, agreed with said contractor upon the following schedule item:

Item No. 3-X. For changes in track in the vicinity of portion No. 223 as follows:

- (a) Removal of double curved crossing, turnout connecting track 4A to 4B, all track on track 4A up to P. T. of curve, approximate station 610+85.
- (b) Reconstruction and readjustment of superelevation on main line track 4 and yard lead 4B so as to give 3 inches full elevation for entire length of curve, allowing 100 feet for run-off at each end.

- (c) Reconstruction and readjustment of superelevation on track 1B from existing turnout to 3 inches at P. T. of curve and 100 feet for run-off.
 - (d) Installation of new guard timber where necessary, and all other work necessary to bring finished track up to Commission's standards and specifications.
 - (e) Manufacture from City's materials now at 239th Street Yard, all additional bevel blocks required.
 - (f) Transportation of one 5-ton truckload of miscellaneous materials from Jerome Avenue Yard and one 5-ton truckload of miscellaneous materials from 38th Street Storeyard, Brooklyn, to the site of the work.
 - (g) Piling of special work and appurtenances on the structure as directed by the engineer.
- Existing timber deck to remain and recovered material to be used as far as practicable.

Resolved, That such action on the part of the Acting Chief Engineer be and hereby is approved.

1450—R. T. 7704

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Installation of Covers on Pipe Manholes between Upper and Lower Levels of Eastern Parkway Line—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated October 15, 1923, requesting approval to the installation of covers on pull pipe manholes between the upper and lower levels of the Eastern Parkway Rapid Transit Railroad, between Bergen Street and Utica Avenue, at an estimated cost of \$600.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer, dated October 20, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Construction of the Railroad, to be paid by the Interborough Rapid Transit Company as part of its contribution toward the cost of construction under Contract No. 3.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, Interborough Rapid Transit Company, by communication dated October 15, 1923, has submitted for the approval of this Commission its proposal to install covers on the ten inch and twelve inch pull pipe manholes between the upper and lower levels of the Eastern Parkway Rapid Transit Railroad between Bergen Street and Utica Avenue in the Borough of Brooklyn, and to charge the cost thereof as a part of its contribution toward the cost of Construction under said Contract No. 3; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission by communication dated October 20, 1923, have reported that the proposal involves the provision of 40 circular covers of various sizes and their installation in the floor on the upper level of the double deck duct manholes; that such manhole covers were inadvertently omitted in the original construction of this line; that the covers are necessary to insure safety in the operation of the railroad; that the estimated cost of \$600 is not unreasonable and recommend the approval of the proposal of Interborough Rapid Transit Company so submitted as aforesaid; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated October 22, 1923, recommends that the cost thereof be classified as Construction of the Railroad, payable by said Interborough Rapid Transit Company as part of its contribution toward the cost of construction under said Contract No. 3,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company so submitted be and the same hereby is approved, the cost of such work to be performed as aforesaid to be charged to the contribution of said Interborough Rapid Transit Company toward the cost of construction as defined and provided in said Contract No. 3.

1451—R. T. 7565

Routes Nos. 16 & 18—Application by Interborough Rapid Transit Company for Approval of Installation of Heating and Lighting Equipment in Kingsbridge Road Station and 219th Street Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated September 26, 1923, requesting approval to the installation of heating and lighting equipment in the waiting rooms at the Kingsbridge Road Station of the Jerome Avenue Line—Route No. 16, and the 219th Street Station of the White Plains Road Line—Route No. 18, at an estimated cost of \$450.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 10, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad and assigning Work Order No. DL-5-A to the Kingsbridge Road Station and Work Order No. DW-1-A to the 219th Street Station.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, and particularly Articles LXX and LXXI thereof, this Commission by resolution adopted February 27, 1923, directed said Interborough Rapid Transit Company, as Lessee under said contract to construct additional waiting rooms on the northbound platform of the 219th Street Station of the White Plains Road Line of the Railroad described in said Contract No. 3 and the northbound platform of the Kingsbridge Road Station of the Jerome Avenue Line of said Railroad, such work to be performed in accordance with an agreement thereafter entered into by this Commission, acting for The City of New York, and said Interborough Rapid Transit Company; and

Whereas, By communication dated September 26, 1923, Interborough Rapid Transit Company has requested the approval of this Commission to the installation of the following heating and lighting equipment in said two waiting rooms:

<i>219th Street Station</i>	Estimated Cost
3 sets 3 coil car heaters.....	\$75.00
6 lighting fixtures	30.00
60 ft. conduit and wiring.....	10.00
Track fuse switch clamp.....	10.00
Labor	125.00
	\$250.00
<i>Kingsbridge Road Station</i>	
2 sets 3 coil heaters.....	\$50.00
4 lighting fixtures	20.00
60 ft. conduit and wiring.....	10.00
Track fuse switch clamp.....	10.00
Labor	110.00
	\$200.00

; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated October 10, 1923, reported that the said equipment is necessary and the estimated cost is reasonable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated October 11, 1923, has recommended that the cost of such work be classified as Additional Equipment for the Railroad and that Work Order No. DL-5-A be assigned to the Kingsbridge Road Station of the Jerome Avenue Line and Work Order No. DW-1-A be assigned to the 219th Street Station of the White Plains Road Line,

Resolved, That said reports and recommendations be and the same hereby are approved, that the said proposal of Interborough Rapid Transit Company of September 26, 1923 as aforesaid be and the same hereby is approved, the cost of such work to be classified as Additional Equipment for the Railroad as described in said Contract No. 3, and as to which this Commission assigns in so far as it applies to the work on the Kingsbridge Road Station of the Jerome Avenue Line Work Order No. DL-5-A and as to which this Commission assigns in so far as it applies to the 219th Street Station of the White Plains Road Line aforesaid Work Order No. DW-1-A.

1452—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Lockers and Shelving for 180th Street Inspection Barn—Report by Engineer of Equipment and Operation and Acting Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated October 5, 1923, requesting approval of a proposed purchasing agent's order directed to Lyon Metallic Manufacturing Company for furnishing lockers and shelving for use in the 180th Street Inspection Barn at a total cost of \$3,518.63.

A report was presented from the Engineer of Equipment and Operation and the Acting Chief Engineer dated October 17, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by communication dated October 5, 1923 has submitted for the approval of this Commission a proposed purchasing agent's order dated October 5, 1923 directed to Lyon Metallic Manufacturing Company for the following:

- 15 Racks, No. 1 each, 9' 1¼" long, consisting of three 36" units.
- 7 Racks, No. 2 each, 6' 1¼" long, consisting of two 36" units.
- 6 Racks, No. 3 each, 5' 1¼" long, consisting of one 36" unit and one 24" unit.
- 3 Racks, No. 3 each, 5' 1¼" long, consisting of one 36" unit and one 24" unit, each unit equipped with double doors locking at the center, having 48" high doors above the counter level and 36" high doors below the counter level.
- 3 Racks, No. 4 each, 9' 1¼" long, consisting of three 36" units.
- 1 Rack, No. 6 each, 5' 1¼" long, consisting of one 36" unit and one 24" unit, each unit equipped with double doors locking at the center.

1 Rack, No. 7 Glass

1 Rack, No. 8 Sign

145 Lockers, 18" x 18" x 72" "Durand" type L. S. in rows of four or similar type.

Total Cost: \$3,518.63, delivered and erected.

Shipment: three to four weeks.

Terms: 1% ten days.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 503"; and

Whereas, The Engineer of Equipment and Operation and the Acting Chief Engineer of this Commission, by communication dated October 17, 1923 has reported the following bids were received for such material

Lyon Metallic Manufacturing Co.....	\$3,518.63
Durand Steel Locker Co.....	3,860.50

that the award is to the lowest bidder whose materials are satisfactory and have been used before by Interborough Company in similar installations; that the price is reasonable; that the quantities ordered are necessary for the present requirements of the 180th Street inspection barn of the White Plains Road Line and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated October 19, 1923 has recommended that such material be classified as Equipment of the Railroad as described in said Contract No. 3.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved, and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of the Commission made part of said proposed purchasing agent's order, such material to be classified as Equipment of the Railroad as described in said Contract No. 3.

1453—R. T. 7109

Contract No. 3—Application by Interborough Rapid Transit Company for Extension of Lease of Premises beneath Structure of Third Avenue Elevated Line between 137th and 138th Streets, Borough of The Bronx—Reports by Engineer of Equipment and Operation and Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated September 13, 1923, requesting approval to the extension of the lease to David Rosenbaum of the premises beneath the structure of the Third Avenue Elevated Line between 137th and 138th Streets, Borough of The Bronx, for a period of five years from January 1, 1927, at a rental of \$4,000 per annum.

Reports were presented from the Engineer of Equipment and Operation dated October 5, 1923, and from the Real Estate Clerk dated October 23, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Interborough Rapid Transit Company by application dated September 13, 1923, has requested approval of an extension for five years from January 1, 1927, of a lease to David Rosenbaum, which lease is now held by assignment by David Kaplan, of a certain plot of land beneath the structure of the Third Avenue Railroad of the Manhattan Railway Company, between 137th and 138th Streets, Borough of The Bronx, upon the same terms and conditions as are contained in the existing lease, except that the annual rental is increased from \$3,500 per annum to \$4,000 per annum; such rental to be credited to Revenue under the Interborough Certificate; and

Whereas, The Real Estate Clerk, under date of October 23, 1923, has reported that the purpose of this extension is to assure a reasonable term of possession to the tenant who contemplates costly alterations on the premises, recommending that the lease be approved, in which recommendation Counsel has concurred; and

Whereas, The Engineer of Equipment and Operation, under date of October 5, 1923, has reported upon this application recommending that it be approved, which recommendation has also been approved by the Chief Engineer;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Chairman be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application.

1454—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Ventilating Equipment in Shafts of Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 3, 1923, requesting approval of a proposed purchasing agent's order directed to the Wagner Engineering Company, Inc., for installing subway ventilating equipment in the Brooklyn and Manhattan Shafts of the Fourteenth Street-Eastern Line at a total cost of \$92,975.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 13, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation known as Contract No. 4, New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4, has by communication dated October 3, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated October 2, 1923 directed to Wagner Engineering Co., Inc., for the following:

Furnish labor, material, etc. necessary to make a complete installation of Subway Ventilating Equipment, in running order, in both the Brooklyn and Manhattan Shafts of the Sub-River Tunnels of the 14th Street-Eastern Line, as indicated upon our Drawings C-5682, C-5683, C-5684, C-5685, C-5686, C-5687, C-5325, C-5369, C-5370, C-5371, C-5372, C-5373, A-1200, A-1763, A-2259, A-2471, and as called for in our specifications dated August 9th, 1923, for the following lump sum prices, in accordance with your proposal dated August 24th, 1923.

Complete Installation in the Manhattan Shaft for the sum of \$43,125.00
 Complete Installation in the Brooklyn Shaft for the sum of 49,850.00
 Faithful Performance Bond in the sum of \$25,000.00 required.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 372"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated October 13, 1923, reported that the following bids were received for such work:

	Manhattan Shaft	Brooklyn Shaft	Total
Wagner Engineering Co. Inc.....	\$43,125	\$49,850	\$92,975
Metal Products Corp.....	54,620	59,000	113,620
Hatzel and Buehler Co. Inc.....	52,373	64,890	117,263
Charles Hartman Company	Could not bid		
York Heating and Ventilating Corp.....	Could not bid		
Lustbader Construction Company.....	Could not bid		
Buffalo Forge Company	Could not bid		

that the equipment is necessary for the safe operation of the Railroad; that the plans have been approved and the specifications are satisfactory; that the cost is the best obtainable; that the said Wagner Engineering Co., Inc. is capable of doing the work

and recommends that the said proposed purchasing agent's order so submitted be approved; and

Whereas, By endorsement dated October 17, 1923 the Auditor of Rapid Transit Costs has recommended that such work be classified as Equipment of the Railroad as described in said Contract No. 4;

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such work to be classified as Equipment of the Railroad as described in said Contract No. 4.

1455—R. T. 7661

Route No. 78—Report by Chief Engineer Recommending Construction of One Emergency Footwalk for Central Park West Route—Approved

A report was presented from the Chief Engineer dated October 13, 1923, recommending approval of the construction of only one emergency footwalk for Route No. 78 and that the footwalk be constructed on the westerly side of the subway. Upon motion duly seconded and adopted the report was approved.

1456—R. T. 6998

Broadway Elevated Line—Report by Acting Chief Engineer Recommending Designation of Station at Williamsburg Bridge Plaza—Approved

A report was presented from the Acting Chief Engineer dated October 16, 1923, recommending that the station of the Broadway Elevated Line to be located at the Williamsburg Bridge Plaza be designated as the Williamsburg Bridge Plaza Station.

Upon motion duly seconded and adopted the report was approved.

1457—R. T. 7668

Contracts Nos. 3 and 4—Reports by Real Estate Clerk as to Fire Risks under Elevated Structures of Interborough Rapid Transit Company and New York Rapid Transit Corporation Systems—Memorandum by Chairman Suggesting Examination Be Made and Conditions Be Corrected—Referred to Acting Chief Executive Officer

Reports were presented from the Real Estate Clerk dated May 28, 1923 and June 27, 1923, as to conditions under the elevated structures of the Interborough Rapid Transit Company and New York Rapid Transit Corporation Systems with relation to fire risks.

A memorandum was presented from the Chairman dated October 4, 1923, suggesting that an examination be made by representatives from the Commission, the railroad companies and Fire Department with a view toward determining where actual danger exists either from fire or smoke risks and that the Commission undertake to correct any conditions so far as may be within its power on the receipt of the report of the results of such investigation.

The matter was referred to the Acting Chief Executive Officer.

1458—R. T. 6595

Contract No. 4—Statements from New York Rapid Transit Corporation of Results of Operations for Months of June, July and August, 1923, and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

The Commission referred to the Chief Accountant three communications dated October 23, 1923, from the New York Rapid Transit Corporation by Howard Abel, Comptroller, submitting statements of Results of Operation for the months of June, July and August, 1923, and the status of the Maintenance and Depreciation Funds, under Contract No. 4.

1459—R. T. 3003

Contracts Nos. 1 and 2—Communication from Department of Finance Requesting Statement of Rental Due City from Interborough Rapid Transit Company, for Quarter Ended September 30, 1923—Copy of Reply Approved

A communication was presented from the Department of Finance by Arthur J. Philbin, Deputy Comptroller, dated October 10, 1923, requesting a statement of rental due the City from the Interborough Rapid Transit Company, for the quarter ended September 30, 1923, under the contracts for the Manhattan-Bronx and Brooklyn-Manhattan Rapid Transit Railroads.

A copy of the following reply was approved:

October 23, 1923.

HON. CHARLES L. CRAIG, Comptroller,
Department of Finance,
Municipal Building,
New York City.

Rentals under Contracts Nos. 1 and 2 for Quarterly Period Ended September 30, 1923

Dear Sir:

Receipt is acknowledged of a communication dated October 10, 1923, from Mr. A. J. Philbin, Deputy Comptroller, (Reference "Accountancy") transmitting "copies of statements and letter sent to the Interborough Rapid Transit Company with respect to the amount of rental payable by said Lessee Company for the quarterly period ended September 30, 1923, under the provisions of the contracts for operation of the Manhattan-Bronx and the Brooklyn-Manhattan Rapid Transit Railroads (Contracts Nos. 1 and 2)", and requesting that your Department be furnished with the usual statements for said quarterly period, containing the information classified and arranged as in the quarterly statements heretofore prepared.

The statements are reported by our Bureau of Accounting and Valuations to be correct except in the particulars to which the attention of your office has been directed in previous communications on this subject. In the tabulation given below comparison is made between the rental as computed by your Department and as adjusted to conform with the records of the Transit Commission. The comparison shows your rental figures for Contract No. 1 to be excessive in the amount of \$971.11.

	Department of Finance		Transit Commission	
	Amount	%	Amount	%
Total outlays to Sept. 30, 1923 on account of Construction; terminals; interest, etc.....	\$51,764,126.51	\$51,764,126.51		95.763498

	Department of Finance Amount	%	Transit Commission Amount	%
Deduct:				
Corporate Stock notes issued	\$2,154,800.00			
Less cash balance	24,909.74		2,129,890.26	
			<u>\$49,634,236.25</u>	
Easements; real estate and rights of way	2,333,153.25		\$49,634,236.25	95.545427
Changes in station at 149th st.	13,397.20			
			<u>\$2,346,550.45</u>	
Less amount paid for easements from miscellaneous receipts	56,545.84			
	<u>\$2,290,004.61</u>	2,290,004.61		4.236502
Adjustments:				
Expenditures for easements made in 1917 but not included in report of Department of Finance.	21,096.25			
Expenditures for easements made in 1920 but not included in report of Department of Finance	\$12,274.55			
Less amount of Corporate Stock not included in computing rental	9,300.00		2,974.55	
			<u>\$2,314,075.41</u>	
			2,314,075.41	4.454573
	<u>\$54,054,131.12</u>	100	<u>\$51,948,311.66</u>	100
Department of Finance computation of rental payable by Interborough Rapid Transit Company under Contract No. 1 for the quarterly period ended September 30, 1923:				
95.763498% of \$445,316.66 (Quarterly Bond Interest)			\$426,450.81	
100% of \$ 20,481.06 (Interest on Notes)			20,481.06	\$446,931.87
Transit Commission computation of rental payable by Interborough Rapid Transit Company under Contract No. 1 for the quarterly period ended September 30, 1923:				
95.545427% of \$445,316.66 (Quarterly Bond Interest)			\$425,479.70	
100% of \$ 20,481.06 (Interest on Notes)			20,481.06	\$445,960.76
Adjustment of Rental (Reduction)				<u>\$971.11</u>

If you desire, I shall be pleased to designate a representative of the Transit Commission to confer with your Department, with a view to bringing this matter to a conclusion.

Very truly yours,
JAMES B. WALKER,
Secretary.

1460—Case No. 2416

Manhattan and Queens Traction Corporation—Zone Fares—Order Modifying Order of December 7, 1920 and Granting Special Permission Adopted

The Secretary presented two communications dated October 18, 1923 and October 20, 1923 from B. Waller Duncan, General Manager for the Receivers of the Manhattan and Queens Traction Corporation, requesting a modification of the Order in Case No. 2416 so as to extend Zone No. 1 from Grand Street, Elmhurst, to Old Mill Road, and put same into effect on November 1, 1923.

The Secretary also presented a report dated October 22, 1923, from the Chief of the Transit Bureau recommending the granting of the application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2416 in the following form:

Present:

GEORGE McANENY,	} Commissioners.
Chairman,	
LEROY T. HARKNESS,	
JOHN F. O'RYAN,	

IN THE MATTER
of the
Application of William R. Begg and Arthur C. Hume,
as receivers of Manhattan and Queens Traction Corporation for an order under Section 49 of the Public Service Commission Law increasing the rate of fare.

CASE No. 2416.
ORDER MODIFYING ORDER OF
DECEMBER 7, 1920.
SPECIAL PERMISSION
No. 753.

William R. Begg and Arthur C. Hume, as receivers of Manhattan and Queens Traction Corporation, by B. Waller Duncan, General Manager, having made application to the Commission under date of October 18 and October 20, 1923 for permission to extend Zone 1 as described in the Order herein adopted December 7, 1920, and the Commission being of the opinion that said application should be granted, it is

Ordered, That said Order of December 7, 1920 be and it hereby is modified as to Paragraph I thereof so as to read as follows:

I. That zones shall be established by the said Manhattan and Queens Traction Corporation and William R. Begg and Arthur C. Hume as receivers of said Manhattan and Queens Traction Corporation, as follows:

Zone No. 1 shall extend from the Manhattan Terminal of said Manhattan and Queens Traction Corporation's lines to Old Mill Road, Elmhurst;

Zone No. 2 shall extend from Grand Street, Elmhurst, to the present terminal of said Manhattan and Queens Traction Corporation's lines at Jamaica, New York; and it is

Further Ordered, That permission be and hereby is granted to said receivers to put such new or supplementary or amendatory schedules showing the foregoing modifications into effect on November 1, 1923, two days after the filing of the same with the Commission as provided in Paragraph III of said Order of December 7, 1920.

Further Ordered, That this Order shall take effect at once.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1461—R. T. 7661

Routes Nos. 78-A and 78-B—Communication from Board of Estimate and Apportionment Fixing Date for Consideration of St. Nicholas Avenue and Central Park Routes—Filed

The following communication from the Board of Estimate and Apportionment was approved and ordered filed :

Franchises

October 19, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen :

Your communications dated October 11, 1923, transmitting, for the approval and consent of this Board, resolutions adopted by your Commission determining and establishing routes and general plans of construction for two additional rapid transit railways in the Borough of Manhattan, known as—

(a) St. Nicholas Avenue, Broadway and Fort Washington Avenue Route.

(b) Central Park, Eighth Avenue and St. Nicholas Avenue Route.

were this day presented to the Board and, by resolutions duly adopted, October 26, 1923, was fixed as the date for consideration.

The communications were also referred to the Transit Conference Committee for report.

Respectfully,

JAMES MATTHEWS,
Assistant Secretary.

1462—R. T. 7681

Contract No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Enclosures to Third Addition to Shops at Lenox Avenue and 148th Street Yard and Authorizing Appropriation of \$948,773.10—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Communication and Contract Ordered Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on October 5, 1923, was ordered filed :

(Cal. No. 83)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated September 12, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with D. C. Serber for the construction of enclosure of the third addition to shops at the Lenox avenue and 148th street yard (under Contract No. 3), at an estimated cost of nine hundred and forty-eight thousand seven hundred and seventy-three dollars and ten cents (\$948,773.10); without waiving the contention of the City that chapter 134 of the Laws of 1921, is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be nine hundred and forty-eight thousand seven hundred and seventy-three dollars and ten cents (\$948,773.10), and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter and the requisition of the Transit Commission, dated September 12, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding nine hundred and forty-eight thousand seven hundred and seventy-three dollars and ten cents (\$948,773.10), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract with D. C. Serber; said issue of corporate stock to be in addition to the general appro-

apropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1923, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, October 5, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated October 22, 1923, returning the above mentioned contract, approved as to form, was also ordered filed. An original contract dated October 22, 1923, between the City of New York, acting by the Transit Commission and D. C. Serber, which had been executed on behalf of both parties and delivered on October 24, 1923, was also ordered filed.

1463—R. T. 7653

Agreement "CN"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Contract for Changes in Subway Structure and Construction of Ventilation Flue at West 32nd Street and Broadway and Authorizing Appropriation of \$28,810—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Communications and Contract Ordered Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on October 5, 1923, was ordered filed:

(Cal. No. 82)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated August 22, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with Slattery Engineering and Construction Company, Inc. (Agreement "CN"), for the making of changes in the subway structure at West 32d street and the construction of a ventilation flue at West 32d street and Broadway in the Broadway-Fourth Avenue Rapid Transit Railroad, Routes Nos. 4 and 36, Section No. 2, Borough of Manhattan, at a total estimated cost of twenty-eight thousand eight hundred and ten dollars (\$28,810), of which amount the sum of twenty-seven thousand nine hundred and ten dollars (\$27,910) is properly chargeable to corporate stock funds authorized for Rapid Transit Contract No. 4; without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty-seven thousand nine hundred and ten dollars (\$27,910); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of the City of New York to an amount not exceeding twenty-seven thousand nine hundred and ten dollars (\$27,910), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract, said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4, and be it further

Resolved, That the Comptroller be and is hereby authorized to charge the balance of the estimated cost of said contract, namely, the sum of nine hundred dollars (\$900), against the tax notes appropriation authorized by the Board of Estimate and Apportionment on April 6, 1923, in the sum of one thousand dollars (\$1,000), for the changes in the subway incidental to the widening of West 32d street at the northeast corner of

Broadway, under the jurisdiction of the President, Borough of Manhattan (Code NTTC-6).

A true copy of resolution adopted by the Board of Estimate and Apportionment, October 5, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated October 15, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract approved as to form, was also ordered filed.

An original contract dated October 17, 1923, between the City of New York acting by the Transit Commission and Slattery Engineering and Construction Company, Inc., which contract had been executed on behalf of both parties and delivered on October 22, 1923, was also ordered filed.

1464—R. T. 7644

Agreement "CP"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Contract for Changes in Railroad Structure to Provide for Crossover on Section No. 5 of Route No. 8 and Authorizing Appropriation of \$47,147.75—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Communications and Contract Ordered Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on October 5, 1923, was ordered filed:

(Cal. No. 81)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated August 28, 1923, the Board of Estimate and Apportionment does hereby consent to the contract with David Levy for the making of changes in the railroad structure to provide for a crossover in that portion of the Fourteenth Street-Eastern Line, Route No. 8, Section No. 5, Bushwick avenue, Borough of Brooklyn (Agreement "CP"), at an estimated cost of forty-seven thousand one hundred and forty-seven dollars and seventy-five cents (\$47,147.75), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be forty-seven thousand one hundred and forty-seven dollars and seventy-five cents (\$47,147.75), and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of the City of New York to an amount not exceeding forty-seven thousand one hundred and forty-seven dollars and seventy-five cents (\$47,147.75), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, October 5, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated October 15, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

An original contract dated October 17, 1923, between the City of New York, acting by the Transit Commission and David Levy, which contract had been executed on behalf of both parties and delivered on October 18, 1923, was also ordered filed.

1465—R. T. 7193

Route No. 12, Sections Nos. 1, 1-A, 2 and 3—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$29,537.23 for Payment of Claim of Frederick Snare Corporation under Contract for Construction of Station Finish—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on October 5, 1923, was ordered filed:

(Cal. No. 80)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated August 20, 1923, the Board of Estimate and Apportionment does hereby consent to an appropriation of corporate stock in the sum of twenty-nine thousand five hundred and thirty-seven dollars and twenty-three cents (\$29,537.23), to provide for the payment of a claim of the Frederick Snare Corporation (the present name of the Snare and Triest Company, as changed by law), based upon alleged delay and obstruction caused to the claimant's work, under the contract of the said Snare and Triest Company for the construction of station finish for parts of the Broadway-Fourth avenue and Eastern Parkway Rapid Transit Railroad, known as Route No. 12, sections No. 1, 1-A, 2 and 3, which claim has been adjusted and approved in the Department of Finance in the said amount of twenty-nine thousand five hundred and thirty-seven dollars and twenty-three cents (\$29,537.23); without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twenty-nine thousand five hundred and thirty-seven dollars and twenty-three cents (\$29,537.23), and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission, dated August 20, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of the City of New York to an amount not exceeding twenty-nine thousand five hundred and thirty-seven dollars and twenty-three cents (\$29,537.23), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the payment of said claim; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million, two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3, and to be credited to the fund entitled "CCM-322, Rapid Transit Construction Fund—Eastern Parkway, Sections 1, 1-A, 2 and 3."

A true copy of resolution adopted by the Board of Estimate and Apportionment, October 5, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1466—R. T. 7666

Contract No. 1—Communication from Harlem Board of Commerce Requesting New Entrances and Exits at Broadway and 125th Street, Borough of Manhattan—Filed

A communication was presented from the Harlem Board of Commerce, dated October 19, 1923, submitting resolutions with respect to the construction of new

entrances and exits to the subway station about 100 feet south of 125th Street and Broadway.

The communication was ordered filed.

1467—R. T. 7661

Route No. 78—Communication from Parks and Playground Association Submitting Resolutions with Respect to Construction of Central Park West Route under Central Park—Filed

The Commission ordered filed a communication dated October 19, 1923, from the Parks and Playground Association, by Lulu Morton, Secretary, submitting resolutions favoring the construction of the Central Park West Route under Central Park, providing that the construction thereof will not interfere with the surface or use of the park, and opposing any construction which will encroach upon the park area or damage any of the trees and shrubbery.

1468—R. T. 7479, 4039

Routes Nos. 5 and 9—Receipt from Department of Finance for Checks in Sum of \$3,069.72 for Interest on Properties Sold at Public Auction in Boroughs of Manhattan and Bronx—Filed

The following receipt from the Department of Finance was ordered filed:
October 20, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
BUREAU OF ACCOUNTANCY
Division of Receipts

Received from Transit Commission checks for Three Thousand and Sixty-nine and 72/100 (\$3,069.72)

Particulars:

Interest on Mortgage in connection with property N. W. Corner E. 138 Street and Mott Ave. Borough of the Bronx due September 16, 1923.....	\$943.12
Interest on delayed payment September 16 to September 29, 1923.....	2.02
Interest on Mortgage in connection with property W. S. of Centre Street between Canal and Walker Streets, Borough of Manhattan, due September 16, 1923	1,614.37
Interest on delayed payment September 23 to October 3, 1923.....	2.69
Interest on Mortgage in connection with property East 138 Street between Jackson Avenue and So. Boulevard, Borough of The Bronx, due October 3, 1923	506.25
Interest on delayed payment October 3 to October 18, 1923.....	1.27

To be credited to Suspense Account, Code No. S 109 C (Real Estate Sales and Rentals of the Transit Commission).

For Comptroller,
E. BLUMENTHAL,
Auditor of Receipts.

1469

Fees Received During September, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of September, 1923, fees, etc., to the amount of \$217.10 and refunds of rental from rapid transit real estate to the amount of \$4,025, had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$217.10 to be accredited to the

General Fund of The City of New York and the sum of \$4,025 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

1470

Employees' Calendar No. 172

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Barnett M. Bass, junior assistant, at \$125.08 per month, to take effect October 27, 1923; James J. Foley, junior assistant, at \$125.08 per month, to take effect October 27, 1923; William Harwetel, junior assistant, at \$125.08 per month, to take effect October 27, 1923; Morris Nagin, junior assistant, at \$125.08 per month, to take effect October 27, 1923; Gustave Reinberg, junior assistant, at \$125.08 per month, to take effect October 27, 1923; Carl J. Speer, Jr., junior assistant, at \$125.08 per month, to take effect October 27, 1923; Bernard J. Sullivan, junior assistant, at \$125.08 per month, to take effect October 27, 1923; William H. Young, junior assistant, at \$125.08 per month, to take effect October 27, 1923; August J. Zimmerman, junior assistant, at \$125.08 per month, to take effect October 27, 1923.

Appointments under Rule VIII:4—Benjamin Harris, draftsman, at \$175.08 per month, to take effect October 17, 1923; Reuben Lishinsky, draftsman, at \$175.08 per month, to take effect October 22, 1923.

Resignations—Abraham Cohen, accountant, at \$180.08 per month, to take effect September 13, 1923; Thomas Tracy, junior assistant, at \$125.08 per month, to take effect October 11, 1923; George Iscol, junior assistant, at \$125.08 per month, to take effect October 20, 1923.

Terminations of Appointments under Rule VIII:4—James J. Foley, junior assistant, at \$125.08 per month, to take effect October 26, 1923; Joseph P. Gowan, junior assistant, at \$125.08 per month, to take effect October 26, 1923; William Harwetel, junior assistant, at \$125.08 per month, to take effect October 26, 1923; James M. Sterner, junior assistant, at \$125.08 per month, to take effect October 26, 1923; August J. Zimmerman, junior assistant, at \$125.08 per month, to take effect October 26, 1923.

Terminations of Appointments under Rule VIII:9—Barnett M. Bass, junior assistant, at \$125.08 per month, to take effect October 26, 1923; Arthur T. Demeroto, junior assistant, at \$125.08 per month, to take effect October 26, 1923; Morris Nagin, junior assistant, at \$125.08 per month, to take effect October 26, 1923; Gustave Reinberg, junior assistant, at \$125.08 per month, to take effect October 26, 1923; Carl J. Speer, Jr., junior assistant, at \$125.08 per month, to take effect October 26, 1923; Bernard J. Sullivan, junior assistant, at \$125.08 per month, to take effect October 26, 1923; William H. Young, junior assistant, at \$125.08 per month, to take effect October 26, 1923; James P. O'Shea, junior assistant, at \$125.08 per month, to take effect October 26, 1923.

Termination of Appointment under Rule XVIII—Thomas F. McDonough, chauffeur, at \$5.00 per diem, to take effect October 16, 1923.

Leave of Absence with Pay—Loretta Hayes, accountant, from September 18, 1923 to September 29, 1923.

Leave of Absence without Pay—Abraham Cohen, accountant, from September 14, 1922 to September 13, 1923.

Promotions—Charles M. Anderson, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Jacob J. Cohen, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Peter A. Connolly, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; William Crepea, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Abraham Daniels, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; John H.

Dooley, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Leo Gilien, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Henry R. Glockner, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; George Gundolff, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Max Heller, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Jacob Hodosh, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Harry T. Holmes, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Arthur A. Jacobson, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Louis Kahn, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Charles A. Lenck, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Philip Liberman, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Leon G. Lord, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Charles H. Norchi, junior engineer, from \$152.50 per month to \$175.08 per month, to take effect October 1, 1923; Clarence E. Noska, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Pincus Rizack, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Louis Rubenstein, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Morris M. Salzberg, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Isidor Silver-smith, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; Philip Spector, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Murray H. Stevens, junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923; William H. Stuart, junior engineer, from \$175.00 per month to \$175.08 per month, to take effect October 1, 1923; Frederick Stubenvoll, Jr., junior engineer, from \$162.50 per month to \$175.08 per month, to take effect October 1, 1923.

1471

Voucher Schedule No. 44

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct:

Vouchers Nos. 980-1001, open market orders, \$275.58; Vouchers Nos. 538-539, miscellaneous bills, \$154.34; Vouchers Nos. 27-28, special payrolls, \$1,900.00; Vouchers Nos. 180-188, City payrolls, \$90,544.29; Voucher No. CM-20, State payrolls, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 278; New York Rapid Transit Corporation, approximate estimate No. 6 for lengthening platforms at the Canal Street station of the Centre Street Loop, from August 1, 1923 to August 31, 1923 (R. T. 7431) \$7,776.40;

Voucher No. 279; Jobson-Gifford Co., approximate estimate No. 4 for making changes in steel work at the easterly approach to the Queensboro Plaza station, Routes Nos. 36 & 37, Section No. 1, from September 1, 1923 to September 30, 1923 (R. T. 7573) \$17,612.71;

Voucher No. 280; Railway Switch & Crossing Corporation, approximate estimate No. 1, for the supply of special work and track fittings, Order No. 22, from May 10, 1923 to October 15, 1923 (R. T. 7638) \$17,931.42;

Voucher No. 281; Charles H. Brown & Son Corporation, Assignee, approximate estimate No. 20 for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8, from September 16, 1923 to October 15, 1923 (R. T. 7539) \$8,744.28;

Voucher No. 282; Jacob Schlesinger, Inc., approximate estimate No. 15 for the construction of a second addition to shops at the Lenox Avenue and 148th Street Yard, under Contract No. 3, from September 16, 1923 to October 15, 1923 (R. T. 7368) \$25,070.63;

Voucher No. 283; McClintic-Marshall Company, approximate estimate No. 2 for furnishing and erecting structural steel for third addition to shops, Lenox Avenue and 148th Street Yard, Manhattan, under Contract No. 3, from September 16, 1923 to October 15, 1923 (R. T. 7590) \$23,869.44.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, October 26, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.
The following matter was presented and action taken as noted:

1472—R. T. 7664

Route No. 33, Section No. 3—Receipt of Bids for Construction of Station Finish at Lawrence Street Station—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of Station Finish at the Lawrence Street Station of the Broadway-Fourth Avenue Rapid Transit Railroad, Section No. 3 of Route No. 33, had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box which had been provided for the deposit of such bids, and to read the bids received. The Secretary presented the proper affidavits of publication, and opened the box and read the four bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, October 29, 1923

1473

Hearing

The following hearing was adjourned:

11:00 A. M.; R. T. 4007; Lengthening of platforms at local stations; Contract No. 1; adjourned to November 12, 1923, at 11:00 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, October 30, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1474

Upon motion, duly seconded and adopted, the Minutes of the Proceedings for the month of July, 1923, were approved.

1475—R. T. 7664

Route No. 33, Section No. 3—Resolution Authorizing Release of Checks to All but Lowest Bidder for Construction of Station Finish at Lawrence Street Station—Adopted

The following resolution was adopted:

Resolved, That upon receipt of the report by the Chief Engineer as to the bids received on October 26, 1923, for the construction of Station Finish at the Lawrence Street Station of the Broadway-Fourth Avenue Rapid Transit Railroad, the Secretary be, and he hereby is, authorized and directed to return to all but the lowest bidder, the certified checks, in the sum of One Thousand (\$1,000) Dollars, deposited with their bids.

1476—R. T. 7664

Route No. 33, Section No. 3—Report by Chief Engineer as to Receipt of Bids for Construction of Station Finish at Lawrence Street Station and Recommendation for Award of Contract to Station Finish Corporation at Bid Price of \$51,076.65—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

October 29, 1923.

To the TRANSIT COMMISSION:

Award of Contract for Station Finish Work, Lawrence St. Sta., Route No. 33, Section No. 3, to Station Finish Corporation.

On October 26, 1923 the following bids were received for construction of station finish for part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section No. 3, Lawrence Street Station:

No.	Name	Amount
1.	Station Finish Corporation.....	\$51,073.65
2.	John Pollock	58,692.75
3.	John B. Roberts & Co.....	60,903.35
4.	Norman A. Deiser.....	61,020.50

Our estimate for this work was \$61,300.

The prices quoted by the lowest bidder, Station Finish Corporation, are satisfactory. It has done and is doing considerable similar work for the Commission. It is the assignee of the station finish contract for Route Nos. 8, Sections Nos. 3, 4 and 5, 14th Street-Eastern Line in Brooklyn amounting to about \$207,000. Charles H. Brown is the president of this Corporation and is also the president of Charles H. Brown & Son Corporation, the assignee of the station finish contract for Route No. 8, Sections No. 1 and No. 2, 14th Street-Eastern Line in Manhattan. This contract amounts to about \$289,000. The work on these two contracts has been satisfactory but the progress of the work has been slow.

The station finish work on the Manhattan portion should have been completed in accordance with the contract on October 27, 1922. Part of this delay is attributed to the uncompleted state of a portion of the construction contract, which interfered with the work of this contractor. For the greater part of the work however this condition does not apply.

The station finish work of the Brooklyn section for 14th Street-Eastern Line should have been completed in accordance with the contract on January 17, 1923 so that in this case as well as in the other one, the time limit called for in the contract is greatly exceeded.

The work of the contract for the station finish for the Manhattan portion, Route No. 8, Sections Nos. 1 and 2 is about 75% completed and for the Brooklyn portion of Route No. 8, Sections Nos. 3, 4 and 5 about 94% completed.

Notwithstanding the slow progress of work on previous contracts held by this Corporation, I consider it advisable that this contract for station finish work of Lawrence Street Station be awarded to it because readvertising of the contract would cause great delay with no assurance that a more acceptable bidder could be secured

and also because residents of Brooklyn interested in this neighborhood are clamoring for the opening of this station as speedily as possible.

Attached I send you copy of minutes of a conference held in my office today with Mr. Charles H. Brown, representing the Corporation, and also copy of its financial statement.

Recommendation: From an engineering standpoint I respectfully recommend that the contract for construction of station finish work, part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section No. 3, Lawrence Street Station, be awarded to the lowest bidder, Station Finish Corporation, at its bid price of \$51,073.65 and that a request be made on the Board of Estimate and Apportionment for the appropriation of this amount to be charged to Contract No. 4.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the construction of station finish for part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section No. 3, Lawrence Street Station, was heretofore finally adopted on October 11, 1923, and subsequent to advertisement duly made, bids respectively totalling as follows were received on October 26, 1923:

Name	Amount
1. Station Finish Corp.....	\$51,073.65
2. John Pollock	58,692.75
3. John B. Roberts & Co.....	60,903.35
4. Norman A. Deiser.....	61,020.50

; and

Whereas, The Chief Engineer of this Commission by communication dated October 29, 1923, has reported that the amount of said bid is reasonable and that the said Station Finish Corporation, the low bidder, is financially able and competent to perform the work under said proposed contract and has recommended the award of said contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of fifty-one thousand seventy-three dollars and sixty-five cents (\$51,073.65), the amount estimated to be necessary to carry out said proposed contract,

Resolved, That said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Station Finish Corporation, submitted as aforesaid, be and the same hereby is accepted and the said proposed contract for station finish for part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section No. 3, Lawrence Street Station, be and the same hereby is awarded to said Station Finish Corporation, subject to its being approved and consented to in form and substance as required by law and said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted for the consent of said Board and the appropriation of the sum of fifty-one thousand seventy-three dollars and sixty-five cents (\$51,073.65), the amount estimated to be necessary to meet the obligations of the City under said proposed contract be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

October 30, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Station Finish Corporation, for the construction of station finish for part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section No. 3, Lawrence Street Station, together with a requisition upon your Honorable Board for the appropriation of the sum of fifty-one thousand seventy-three dollars and sixty-five cents (\$51,073.65), being the amount estimated to be necessary to meet the obligations of the city under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on October 26, 1923, respectively totalling as follows:

Name	Amount
1. Station Finish Corporation.....	\$51,073.65
2. John Pollock	58,692.75
3. John B. Roberts & Co.....	60,903.35
4. Norman A. Deiser.....	61,020.50

The Chief Engineer of this Commission in a communication dated October 29, 1923, reports that the bid of Station Finish Corporation, the low bidder, is reasonable, and that said corporation is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said Station Finish Corporation, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet said contract, to wit, the sum of Fifty-one thousand seventy-three dollars and sixty-five cents (\$51,073.65), and also to direct the Comptroller of The City of New York to issue the bonds of said city at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of appropriating the necessary moneys to meet the City's obligations under said contract, to wit the sum of Fifty-one thousand seventy-three dollars and sixty-five cents (\$51,073.65).

Your Board is also requested to authorize pursuant to Section 45 of the Greater New York Charter, the issue of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is a sub-requisition under and not in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4 and the appropriations made thereunder by your Honorable Board.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1477

Expenses—Resolution Authorizing Requisition upon Board of Estimate and Apportionment for Appropriation of \$400,000 for Expenses for Year Ending December 31, 1923—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

Resolved, That the Chairman and the Secretary of the Transit Commission be, and they hereby are, authorized in the name and in behalf of said Commission to make a certificate to and a requisition on the Board of Estimate and Apportionment for the sum of Four Hundred Thousand Dollars (\$400,000), in the following form to wit:

"Requisition is hereby made upon you, pursuant to the provisions of Chapter 134 of the Laws of 1921, by the Transit Commission, for the sum of Four Hundred Thousand Dollars (\$400,000), which sum said Transit Commission hereby certifies as necessary, on account, to properly enable it to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by said law.

"Appended hereto is a certified copy of the resolution of the Commission authorizing the execution of the certificate and requisition.

"In witness whereof, the Transit Commission has caused this requisition to be signed by its Chairman and its Secretary and its official seal to be hereto affixed this 30th day of October, 1923."

TRANSIT COMMISSION,
GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

October 30, 1923]

1092

The requisition was as follows:

October 30, 1923.

To the BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Requisition is hereby made upon you, pursuant to the provisions of Chapter 134 of the Laws of 1921, by the Transit Commission, for the sum of Four Hundred Thousand Dollars (\$400,000), which sum said Transit Commission hereby certifies as necessary, on account, to properly enable it to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by said law.

Appended hereto is a certified copy of the resolution of the Commission authorizing the execution of the certificate and requisition.

In witness whereof, the Transit Commission has caused this requisition to be signed by its Chairman and its Secretary and its official seal to be hereto affixed this 30th day of October, 1923.

Yours very truly,
TRANSIT COMMISSION,
GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

The communication transmitting the requisition to the Board of Estimate and Apportionment was as follows:

October 30, 1923.

To the BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, in pursuance of a resolution adopted at its meeting on October 30, 1923, transmits to you herewith, and as a part hereof, a requisition in the sum of Four Hundred Thousand Dollars (\$400,000), which is the amount necessary and requisite, on account, to enable the said Transit Commission to do and perform or cause to be done and performed, the duties prescribed for it by Chapter 134 of the Laws of 1921, and to provide, on account, for the expenses and compensation of the employees of the said Commission for the year ending December 31, 1923, and which the Commission believes will approximately cover its complete need to such date.

Such funds are necessary for the carrying on of the supervision of outstanding construction contracts and of contracts now before your Board for approval, the preparation of contract and detailed plans preliminary to the letting of contracts for the construction of the remaining portions of the lines embraced in the Dual Rapid Transit System, the legalization of additional rapid transit routes, the supervision of plans and contracts of the operating companies under the Dual System, the acquisition of real estate and other rights incident to rapid transit construction, the preparation, negotiation and installation of the statutory plan for the rehabilitation of transit facilities within the City, including the valuation and appraisal of all transit properties, the regulation of transit operation within the City and the performance of other duties imposed on the Commission by statute.

While the duties imposed upon the Commission by statute are so varied that a precise determination of its financial need for the balance of the year cannot now be made, nor an exact division of the amount now requisitioned as between construction, regulation and the development of the statutory plan of reorganization attempted, an approximation, figured as closely as possible, shows that of the amount requisitioned 80% will be expended upon the work incident to construction, 10% upon regulation and the duties incident thereto, and the remaining 10% on account of the plan of reorganization, including the appraisal and valuation of properties, legal expense, etc. The accounts of the Commission are kept in such manner that an exact distribution of expenditure as between the three divisions of its work referred to will be made and recorded as the year proceeds.

Yours very truly,
TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1478—R. T. 7706

Agreement "CU"—Form of Contract, Specifications, Invitation to Contractors, etc., for Construction of Signal Tower at 239th Street Yard—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors, together with forms of Contract, Bond and Contractor's Proposal, with the Specifications and Contract Drawings for construction of a signal tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18, Section No. 2, Borough of The Bronx (Agreement "CU")

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for construction of a signal tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18, Section No. 2, Borough of the Bronx (Agreement "CU") be and are hereby approved and adopted and that said Invitation to Contractors be published in the CITY RECORD every day of publication continuously from and including November 1, 1923 to and including November 9, 1923 and on November 5, 1923 in THE MORNING TELEGRAPH and THE EVENING WORLD, daily newspapers published in the City of New York and that such bids as shall be received, shall, on the 9th day of November, 1923, at eleven-thirty (11.30) o'clock, A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

1479—R. T. 7368

Contract No. 3—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Wrought Iron Leaders under Contract for Second Addition to Shops at Lenox Avenue and 148th Street Yard—Approval Resolution

A report was presented from the Chief Engineer dated October 27, 1923, recommending the establishment of a supplementary schedule item, as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item 150 of the contract dated August 3, 1922 between The City of New York, acting by the Transit Commission, and Jacob Schlesinger, Inc., for the Construction of Second Addition to Shops, Lenox Avenue and 148th Street Yard, having, subject to the approval of the Commission, agreed with said Contractor upon the following supplementary schedule item:

Item No. 768 (c)—For furnishing and placing 3-inch wrought iron leaders in the Second Addition to Shops, Lenox Avenue at 148th Street, the sum of \$2.25 per linear foot.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1480—R. T. 7513

Routes Nos. 5 and 8—Application by George Colon & Company for Extension of Time within Which to Complete Construction of Passageway at Union Square—Report by Chief Engineer Recommending Extension of Time to and Including August 2, 1923—Approval Resolution

An application was presented from George Colon & Company, dated September 29, 1923, requesting an extension of time within which to complete work under the contract for the construction of a passageway at Union Square—Routes Nos. 5 and 8.

A report was presented from the Chief Engineer dated October 23, 1923, recommending that an extension of time be granted to and including August 2, 1923, within which to complete the work.

The following resolution was adopted:

Whereas, The contract dated May 17, 1922, between The City of New York, acting by the Transit Commission and George Colon & Co., for construction of Union Square passageway connecting stations on Broadway-Fourth Avenue and 14th Street-Eastern Rapid Transit Railroads, Routes Nos. 5 and 8, provides in Article LIV thereof that the contractor shall within six (6) months from the date of delivery of said contract complete the work, as therein more particularly set forth; and

Whereas, Said George Colon & Co., contractor, has by communication dated September 29, 1923, made application to this Commission for an extension of time within which to complete the work as in said contract provided; and

Whereas, The Chief Engineer has by communication dated October 23, 1923, advised the Commission that the performance of said contract was substantially completed on August 2, 1923 with the exception of repairing certain tiling in the Union Square Station of the Broadway-Fourth Avenue Line, which was injured in the course of the work, and has recommended in said communication for the reasons therein stated, that the time of the said George Colon & Co., contractor, within which to complete the work as in said contract set forth be extended to and including August 2, 1923,

Resolved, That the report and recommendation of the Chief Engineer as aforesaid, be and the same hereby is approved; that the time of George Colon & Co., contractor, within which to complete the work required to be performed within six (6) months after the delivery of said contract as in Article LIV thereof provided, be and the same hereby is extended to and including August 2, 1923, provided, however, that this extension of time will not take effect unless and until it shall be consented to in writing by the sureties upon the bond deposited by the contractor as security for the faithful performance of said contract.

1481—R. T. 7587

Agreement "CA"—Applications by B. T. & J. J. Mack, Inc., for Extension of Time within Which to Complete Contract for Construction of Transformer Closets for Emergency Lighting—Report by Chief Engineer Recommending Extension of Time to October 8, 1923—Approval Resolution

Applications were presented from B. T. & J. J. Mack, Inc., dated October 8, 1923, and October 22, 1923, requesting an extension of time to and including October 9, 1923, within which to complete work under their contract for the construction of transformer closets for emergency lighting, Agreement "CA".

A report was presented from the Chief Engineer dated October 25, 1923, recommending that the time be extended to and including October 8, 1923.

The following resolution was adopted:

Whereas, The contract dated February 15, 1923, between The City of New York, acting by the Transit Commission, and B. T. & J. J. Mack, Inc., for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad, Borough of Manhattan (Agreement "CA"), requires the completion of all work thereunder on or before the expiration of four (4) months from the date of the delivery of said contract, which contract was delivered on February 16, 1923, the last day for completion therefor being June 16, 1923; and

Whereas, By communications dated October 8 and October 22, 1923, said B. T. and J. J. Mack, Inc., made application for an extension of time under said contract to and including October 9, 1923 to complete same, predicated upon circumstances as set forth in said communications; and

Whereas, The Chief Engineer of this Commission, by communication dated October 25, 1923, has reported that at the end of the four month period required for the entire completion of the contract, about 85% of the work had been finished; that what remained to be performed was principally the installation of white glazed tile and mosaic tile on the exterior walls of the closets which were the last items of work completed on this contract; that the principal delay on this work was due to the extraordinary conditions prevailing among the manufacturers of white glazed tile and mosaic as these materials were in great demand for building construction work and the small amount of different types of tile and mosaic required at the various stations on this contract were difficult to secure from the factories as scant attention was paid to orders of this size; that at no time was the operating company delayed in installing its equipment and recommends that the time of the contractor be extended to and including October 8, 1923.

Resolved, That the time of B. T. & J. J. Mack, Inc., within which to complete the work pursuant to the contract as aforesaid be and the same hereby is extended to and including October 8, 1923, provided, however, that this extension of time shall not take effect unless and until it shall be consented to in writing by the sureties upon the bond deposited as security for the faithful performance of said contract.

Further resolved, That as a condition precedent to the taking effect of the extension of time as herein granted, the contractor shall file with this Commission in form to be approved by its Counsel, a release of all claims against the City of New York by reason of the delay on the part of the City or any of its agents under said contract.

1482—R. T. 7587

Agreement "CA"—Certificate by Chief Engineer of Completion of Contract for Construction of Transformer Closets for Emergency Lighting—Resolution Accepting Work and Directing that Certificate Be Filed with Comptroller

The following certificate was approved:

October 29, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion—Construction of Transformer Closets for Emergency Lighting for a Part of the Broadway-Fourth Avenue Rapid Transit Railroad—Agreement "CA."

In connection with the contract dated February 15, 1923 between the City of New York, acting by the Transit Commission and B. T. & J. J. Mack, Inc., for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad in the Boroughs of Manhattan and Queens, I hereby certify that all work was completed on October 8, 1923. The total cost of the work was \$12,540.23.

In accordance with the provisions of the contract, all work should have been completed by June 16, 1923. The time for completion, however, was extended to October 8, 1923 by resolution of the Transit Commission adopted on October 30, 1923. As all work was completed within the contract time, as extended, there are no liquidated damages to be assessed.

Recommended: That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The contract dated February 15, 1923 between The City of New York acting by the Transit Commission and B. T. & J. J. Mack, Inc., for the construction of transformer closets for emergency lighting for a part of the Broadway-Fourth Avenue Rapid Transit Railroad in the Boroughs of Manhattan and Queens, required the completion of all work thereunder on or before June 16, 1923 which time was extended to and including October 8, 1923 by resolution of the Transit Commission adopted on October 30, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated October 29, 1923 has reported that all the work required under said contract was in all respects

completed on or before October 8, 1923; that the total amount due therefor was \$12,540.23 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York,

Resolved, That the said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

1483—R. T. 7109

Contract No. 3—Application by Interborough Rapid Transit Company for Modification of Lease of Premises at Nos. 367-373 East 143rd Street, Borough of The Bronx—Reports by Real Estate Clerk and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated September 6, 1923, requesting approval of the modification of the lease to Hirsch Schleimowitz, covering premises at Nos. 367-373 East 143rd Street, Borough of The Bronx, so as to eliminate the provision for the termination of the lease on September 15, 1926 by giving the tenant six months previous notice and for an increase in the rental of \$200 per year beginning September 15, 1923.

Reports were presented from the Real Estate Clerk dated October 23, 1923, and the Chief Engineer dated October 26, 1923, stating that there is no objection and recommending that the application be approved.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the certificate dated March 19, 1913 granted to Interborough Rapid Transit Company by the Public Service Commission for the First District for certain elevated extensions, Interborough Rapid Transit Company, under date of September 6, 1923, has made the following application to this Commission:

"The Interborough Rapid Transit Company requests approval to modify its lease dated September 19, 1916 to Hirsch Schleimowitz, covering premises Nos. 367-373 East 143rd Street, Bronx, for a term of twenty-one years from September 15, 1916 at an annual rental of \$1,100.00, to eliminate the provisions therein contained granting the landlord the privilege of cancelling the lease on September 15, 1926 by giving the tenant six months' previous notice, in consideration of the tenant paying an increase in rental of \$200.00 per year beginning September 15, 1923."

; and

Whereas, The Real Estate Clerk of this Commission, by communication dated October 23, 1923, approved by Counsel, has, for the reasons therein more particularly set forth, recommended the approval of said proposed modification; and

Whereas, The Chief Engineer of this Commission, by communication dated October 26, 1923, addressed to Counsel, has reported that there is no objection from an engineering standpoint to the approval of such application,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said application aforesaid of Interborough Rapid Transit Company, hereinbefore set forth, be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said application.

1484—R. T. 7224

Contract No. 3—Communication from Interborough Rapid Transit Company Requesting Approval of Changes in Power System so as to Provide Sufficient Power for Anticipated Increase—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Reports by Auditor of Rapid Transit Costs and Counsel Suggesting Papers Be Filed and that Company Be Informed that Additions Will Be Approved as Work Develops—Communication Ordered Filed and Letter to Company Approved

A communication was presented from Interborough Rapid Transit Company dated August 14, 1923, requesting approval of changes in power house substations and distribution system of subway division so as to provide sufficient power for increased demand anticipated in the near future at a total approximated expenditure of \$2,170,347, which work is expected to be performed during the years 1923, 1924 and 1925.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated September 14, 1923, recommending that the company be authorized to proceed with the rearrangement of and additions to the power system.

Reports were presented from the Auditor of Rapid Transit Costs and Counsel dated October 27, 1923, and October 29, 1923, recommending that the papers be filed and that the company be informed that the additions to and modifications of power and distribution systems on account of increased loads will be subject to consideration and approval or order by the Commission of each item as the development of the program indicates the necessity of starting the work.

Upon motion duly seconded and adopted the papers were ordered filed and the Secretary was directed to advise the Interborough Rapid Transit Company that approval will be given to each item of the work as the necessity therefor is indicated.

1485—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Furnishing Ash Gates for 59th Street Power Station—Report by Consulting Engineer Dr. Charles E. Lucke, Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated October 5, 1923, requesting approval of a proposed purchasing agent's order directed to Baker-Dunbar-Allen Sales Company, for furnishing ash gates complete for installation at the 59th Street Power Station, at a cost of \$2,300.

A report was presented from Consulting Engineer Dr. Charles E. Lucke, dated October 19, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment, to be performed under Work Order No. D-11-A, heretofore assigned.

The following resolution was adopted:

Whereas, By resolution adopted by the Transit Commission on September 7, 1922, the application of the Interborough Rapid Transit Company, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and said Interborough Rapid Transit Company (known as Contract No. 3) for the approval of an expenditure for the instal-

lation of Additional Equipment as described in said Contract No. 3 consisting of additional units of new equipment and appurtenances and cables to provide additional power was approved and by resolution adopted November 14, 1922 this Commission assigned thereto Work Order No. IBA-7; and

Whereas, Pursuant to said authority this Commission by resolution adopted July 10, 1923, approved the proposed contract between the Interborough Rapid Transit Company and Babcock & Wilcox Company for the manufacture, delivery and installation in the 59th Street Power House of four 1140 H. P. B. & W. Boilers and three B. & W. superheaters complete ready for installation at the total cost of \$130,583; and

Whereas, Pursuant to said Contract No. 3 and said approval as heretofore given, Interborough Rapid Transit Company by communication dated October 5, 1923, has submitted for the approval of this Commission, proposed purchasing agent's order dated October 5, 1923, directed to Baker-Dunbar-Allen Sales Company for the following:

"4 Type 'S' 4'0" x 4'0" 'Arrow' ash gates, complete with all cast iron frame, all cast iron gate, cylinders, with complete operating mechanism and structural tracks.

Price: \$2,300.00 for lot.

Delivery: To be delivered to our 59th St. and 11th Avenue Power Station, within sixty days from date of Order."

; which proposed purchasing agent's order has been caused to be designated as "Approval No. 506"; and

Whereas, Dr. Charles E. Lucke, Consulting Engineer of the Commission, has by communication dated October 19, 1923, reported that the following bids were received for such ash gates:

Baker-Dunbar-Allen Sales Co.....	\$2,300 for the lot,
Beaumont Manufacturing Co.....	2,650 for the lot,

; that investigation has been made by him as to such equipment and it is believed that such type of ash gate and the low bid therefor are satisfactory and recommends the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated October 27, 1923 has recommended that such material be classified as Additional Equipment for the Railroad under Work Order No. D-11-A heretofore assigned,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and he hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order; such material to be classified as Additional Equipment for the Railroad as defined in said Contract No. 3 and under Work Order No. D-11-A as heretofore assigned by resolution adopted October 11, 1923.

1486—R. T. 6481

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Air Compressors for Fifty Subway Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated October 9, 1923, requesting approval of a proposed purchasing agent's order directed to the Westinghouse Traction Brake Company, for furnishing air compressors for fifty new steel trailer subway cars.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated October 24, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment, to be performed under Work Order No. MBA-25, heretofore assigned.

The following resolution was adopted:

Whereas, This Commission by resolution adopted July 17, 1923 as therein more particularly set forth, approved the proposed contract to be entered into between New York Rapid Transit Corporation as successor to the rights and obligations under the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, and Pressed Steel Car Company for the manufacture and delivery of bodies and trucks for fifty (50) steel passenger cars, Series 4000-4049 together with the plans and specifications therefor and classified such material as Additional Equipment of the Railroad as more particularly defined in said Contract No. 4, and assigned thereto Work Order No. MBA-25; and

Whereas, Pursuant to the provisions of said Contract No. 4 and said proposed contract so approved as aforesaid, New York Rapid Transit Corporation, by communication dated October 9, 1923 has submitted for the approval of this Commission proposed purchasing agent's order dated October 5, 1923 directed to Westinghouse Traction Brake Co. for the following:

"For Equipping Subway Trailer Cars 4000 to 4049 incl. Parts for Westinghouse Traction Brake Company's Type D-3-F Compressors

50 Pc. 68311 Compressor Complete with 8" Strainers....	\$640.00 each net
50 Pc. 68321 Compressor Suspensions Complete with Brackets, etc.	24.00 each
50 Pc. 53741 A-6 Comp. Switch	78.00 each
200 Pc. 51833 Terminal Sleeve .....	.10 each
50 Pc. 9053 $\frac{3}{8}$ " Cut Out Cock	2.70 each
50 Pc. 54567 1" Choke Fitting .....	.60 each
50 Pc. 24107 El Safety Valve	12.00 each

All 6 items less 50-5-2- $\frac{1}{2}$ %

All F. O. B. point of shipment".

which proposed purchasing agent's order has been caused to be designated as "Approval No. 373"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated October 24, 1923 have reported that no competitive bids were taken since the Westinghouse compressors are standard equipment on the New York Rapid Transit Corporation's lines; that the cost is reasonable and that the equipment is necessary, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated October 26, 1923 has recommended that the cost under said proposed purchasing agent's order be classified as Additional Equipment for the Railroad under Work Order No. MBA-25 assigned as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of material under said proposed purchasing agent's order hereby approved to be classified as Additional Equipment of the Railroad as defined in said Contract No. 4 under and pursuant to Work Order No. MBA-25 heretofore assigned as aforesaid.

1487—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Ejector Equipment for Fourteenth Street-Eastern Line and Lawrence Street Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 9, 1923 requesting approval of a proposed purchasing agent's order

directed to the Westinghouse Traction Brake Company for eight air compressors and fittings for ejector equipment for the Fourteenth Street-Eastern Line and the Lawrence Street Station.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 24, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated October 5, 1923, directed to Westinghouse Traction Brake Company for the following:

<i>Ejector Equipment 14th St. Line and Lawrence Street Station Broadway-Fourth Ave. Line</i>	
8 West. Type D-3-F Compressors No. 68311.....	\$640.00 each net
Complete with 8" Strainers	
8 West. Type S-6-A Governors No. 52112.....	84.00 each
Less 50-5-2-1/2%	
8-26 1/2" x 60" Main Reservoirs Enameled inside and out....	42.21 each net
8-3-1/2" Single Pointer Air Gauges.....	1.80 each net
8 1/2" Reservoir Drain Cocks No. 7716.....	2.70 each
Less 50-5-2-1/2%	
8 El Safety Valves No. 24107.....	12.00 each
Less 50-5-2-1/2%	

All F. O. B. point of shipment.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 374"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated October 24, 1923, have reported that no competitive bids were taken for such equipment, since the Westinghouse compressors are standard equipment on the lines of the New York Rapid Transit Corporation; that the cost is reasonable; that the equipment is necessary and recommend the approval of said proposed purchasing agent's order so submitted; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated October 26, 1923, has recommended that the cost of such material be classified as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such material under said proposed purchasing agent's order hereby approved to be classified as Equipment of the Railroad as defined in said Contract No. 4.

1488—Case 2362

**Interborough Rapid Transit Company and The Long Island Railroad Company—
Improvements and Additions to Atlantic Avenue Station—Discontinuance
Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2362, discontinuing the proceeding, it appearing that the improvements sought had been completed.

1489—Case 2419**New York Railways Company, Eighth Avenue Railroad Company and the Ninth Avenue Railroad Company—Transfers on Companies' Lines—Discontinuance Order Adopted**

The Secretary presented a report, dated October 11, 1923, by George H. Stover, Assistant Counsel, approved by Counsel, recommending a discontinuance of the proceeding in Case No. 2419.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2419, discontinuing the proceeding with respect to the above matter.

1490—Case 2420**Brooklyn & North River Railroad Company—Discontinuance of Service over Manhattan Bridge—Discontinuance Order Adopted**

The Secretary presented a report, dated October 11, 1923, by George H. Stover, Assistant Counsel, approved by Counsel, recommending the discontinuance of the proceeding in Case No. 2420, as the Brooklyn & North River Railroad Company had no franchise for a portion of the route over which it had discontinued service and operated under trackage agreements and the Commission had no power to compel a resumption of service.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2420, discontinuing the proceeding with respect to the above matter.

1491—Case 2455**The Staten Island Rapid Transit Railway Company and the Staten Island Railway Company—Equipment and Service—Discontinuance Order Adopted**

The Secretary presented a report, dated October 11, 1923, by George H. Stover, Assistant Counsel, approved by Counsel, recommending a discontinuance of the proceeding in Case No. 2455, as the subject matter was covered by the proceeding in Case No. 2700, recently instituted.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2455, discontinuing the proceeding with respect to the above matter.

1492—Case 2510**Eighth Avenue Railroad Company et al.—Form of Annual Report for Year Ended June 30, 1920—Order Adopted Closing Case on Records**

The Commission adopted and ordered filed an Order in Case No. 2510, closing the case on the records of the Commission.

1493—Case 2525**The Long Island Railroad Company—Additional Passenger Cars—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2525, discontinuing the proceeding with respect to the above matter.

1494—Case 2543

The Long Island Railroad Company—Complaint of Chamber of Commerce of Borough of Queens as to Discrimination in Passenger Rates—Order Closing Case on Records Adopted

The Commission adopted and ordered filed an Order in Case No. 2543 in the following form:

Present:

GEORGE McANENY, }
Chairman, } Commissioners.
LEROY T. HARKNESS, }

CHAMBER OF COMMERCE OF THE BOROUGH OF QUEENS,
Complainant,
against
THE LONG ISLAND RAILROAD COMPANY, as to Discrimination in Passenger Fares.

CASE No. 2543.
ORDER CLOSING CASE ON
RECORD.

A complaint, dated October 11, 1920, having been filed with the Public Service Commission for the First District, by the Chamber of Commerce of the Borough of Queens, alleging discrimination in passenger fares charged by The Long Island Railroad Company, and said complaint having been referred by said Commission to its Counsel on October 22, 1920, and no further action having been taken thereon, and Counsel to the Transit Commission, having now advised that the subject matter of the proceeding had been disposed of by rulings of the Interstate Commerce Commission in ex parte 74 and decisions of the United States Supreme Court, restricting the power of State Commissions in the regulation of rates on steam railroads, to commuters, school and trip family tickets, and recommending that the case be closed, it is

Ordered, That the above entitled case be and the same hereby is closed on the records of the Commission, without prejudice, however, to the making of any Order or Orders concerning the same subject matter.

By the COMMISSION,
JAMES B WALKER,
Secretary.

1495—Case 2571

The Brooklyn City Railroad Company—Failure to Operate Cars on Vernon Avenue Bridge—Discontinuance Order Adopted

The Commission adopted and ordered filed an Order in Case No. 2571, discontinuing the proceeding with respect to the above matter, it appearing that service over the Vernon Avenue Bridge had been resumed.

1496—Case 2579

The Long Island Railroad Company—Use and Operation of Steam Locomotives—Discontinuance Order Adopted

The Commission adopted and ordered filed an Order in Case No. 2579, discontinuing the proceeding with respect to the above matter.

1497—Case 2598

The New York Central Railroad Company—Station Facilities at 149th Street—Discontinuance Order Adopted

The Commission adopted and ordered filed an Order in Case No. 2598, discontinuing the proceeding with respect to the above matter, it appearing that the improvement sought had been completed.

1498—Case 2600**New York Railways Company—Application of Job E. Hedges, Receiver, for Permission to Discontinue Through Service on Seventh Avenue-Delancey Street Line—Denial Order Adopted**

The Secretary presented a report, dated October 10, 1923, by George H. Stover, Assistant Counsel, approved by Counsel, recommending a denial of the application of Job E. Hedges, Receiver of the New York Railways Company, for permission to discontinue through service on the Seventh Avenue-Delancey Street Line and for further permission to charge two cents for transfers at Eighth Street and Sixth Avenue, between the Seventh Avenue Line and the Eighth Street Crosstown Line.

Thereupon the above mentioned report was approved and an Order in Case No. 2600 adopted denying the above mentioned application.

1499—Case 2609**Marine Railway Company—Complaint of Manhattan Beach Restrictions Society Inc. as to Service and Equipment—Dismissal Order Adopted**

The Secretary presented a report, dated October 11, 1923, by George H. Stover, Assistant Counsel, approved by Counsel, recommending a dismissal of the complaint in the above case.

Thereupon the above mentioned report was approved and an Order in Case No. 2609 adopted and ordered filed dismissing the complaint therein and discontinuing the proceeding.

1500—Case 2614**Dyckman Street Transportation Corporation—Application for Authorization to Issue \$500 Capital Stock Nunc Pro Tunc as of July 29, 1920—Denial Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2614, denying the application of the Dyckman Street Transportation Corporation for authorization to issue \$500 capital stock nunc pro tunc as of July 29, 1920, for failure of proof.

1501—Case No. 2615**Concourse Transportation Corporation—Application for Authority to Issue \$500 Capital Stock Nunc Pro Tunc as of July 29, 1920—Denial Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2615, denying the application of the Concourse Transportation Corporation for authorization to issue \$500 capital stock nunc pro tunc as of July 29, 1920, for failure of proof.

1502—Case No. 2616**Third Avenue Railway Company—Application for Authorization to Acquire and Hold \$500 Capital Stock of Dyckman Street Transportation Corporation—Denial Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2616, denying the application of the Third Avenue Railway Company for authorization to acquire and hold \$500 capital stock of the Dyckman Street Transportation Corporation, for failure of proof.

1503—Case No. 2617**Third Avenue Railway Company—Application for Authorization to Acquire and Hold \$500 Capital Stock of the Concourse Transportation Corporation—Denial Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2617 denying the application of the Third Avenue Railway Company for authorization to acquire and hold \$500 capital stock of the Concourse Transportation Corporation, for failure of proof.

1504—Case No. 2639**Van Brunt Street and Erie Basin Railroad Company—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2639 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1505—Case No. 2641**New York Railways Company, Job E. Hedges, Receiver—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2641 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1506—Case No. 2642**Third Avenue Railway Company et al.—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2642 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1507—Case No. 2643**The Brooklyn City Railroad Company—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2643 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1508—Case No. 2644**The Brooklyn Heights Railroad Company et al.—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2644 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1509—Case No. 2645**The New York and Harlem Railroad Company—Service and Equipment—
Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2645 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1510—Case No. 2646**Eighth Avenue Railroad Company—Service and Equipment—Discontinuance
Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2646 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1511—Case No. 2647**Ninth Avenue Railroad Company—Service and Equipment—Discontinuance
Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2647 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1512—Case No. 2648**Second Avenue Railroad Company, Charles E. Chalmers, Receiver—Service and
Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2648 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1513—Case No. 2649**Long Island Electric Railway Company—Service and Equipment—Discontinuance
Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2649 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1514—Case No. 2650**Manhattan and Queens Traction Corporation, Receivers—Service and Equipment
—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2650 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1515—Case No. 2651**New York and Long Island Traction Corporation—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2651 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1516—Case No. 2653**Manhattan Bridge Three Cent Line—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2653 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1517—Case No. 2654**Ocean Electric Railway Company—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2654 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1518—Case No. 2655**Richmond Light and Railroad Company—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2655 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1519—Case No. 2656**Staten Island Midland Railway Company—Service and Equipment—Discontinuance Order Adopted**

The Commission adopted and ordered filed an Order in Case No. 2656 discontinuing the proceeding with respect to the above matter, without prejudice to the making of any order or orders, at any time, concerning the subject matter of the proceeding.

1520—Case No. 2667**Interborough Rapid Transit Company—Application of Merchants and Taxpayers' Alliance for Change of Name of 210th Street-Williamsbridge and Gun Hill Road Stations on Webster Avenue Extension—Dismissal Order Adopted**

The Secretary presented a report dated October 23, 1923, by Carleton S. Cooke, Assistant Counsel, approved by Counsel, recommending a dismissal of the above proceeding as the applicant did not appear at the hearing.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2667 dismissing the proceeding with respect to the above matter.

1521—Case No. 2701

Grade Crossings in New York—Report by Commissioner Harkness Approved and Hearing Directed

The Secretary presented a report by Commissioner Harkness, dated October 25, 1923, with respect to the Grade Crossing Problem in New York City, reading as follows:

October 25, 1923.

To the TRANSIT COMMISSION:

By reference at the Commission's meeting on July 17, 1923, I was designated to investigate and report on the grade crossing situation and particularly as to the allocation of the \$500,000 appropriated at the last session of the Legislature for grade crossing elimination in this City. This investigation has been conducted through Mr. W. L. Selmer, Engineer of Structures, who has been in charge of grade crossing work for the Commission and its predecessors for a number of years past. Mr. Selmer and his staff have carefully surveyed the whole situation and have furnished me with results of that survey and with studies and estimates of the several elimination projects.

The grade crossing problem in New York City may be expressed in this wise: Over 400 existing grade crossings. Killed during the period between July 1, 1907 and January 1, 1923—221; injured—390. Cost of total elimination in excess of \$50,000,000, which, however, does not include the New York Central West Side Improvement.

The number of casualties at grade crossings is the greatest single element in the situation, but there must also be kept in mind the factor of arrested development of important districts because of the presence of dangerous crossings and railroad operation at grade. This sort of operation is a blight on large areas contiguous to the railroad.

Grade crossings, besides resulting in death and injury, impede street traffic and greatly retard movement of trains. Satisfactory urban or suburban rapid transit service is impossible where numerous grade crossings exist. There is constantly increasing danger in the City on account of the large street traffic, everywhere rapidly growing, which is further complicated by increasing railroad travel.

By crossing protection installed by the companies on their own initiative or ordered by the Commission and its predecessors the toll of deaths and injuries has been kept down. Through these measures the ratio of casualties has decreased as the population and traffic have heavily increased. Grade crossing protection, however, is merely a palliative—the only solution is elimination.

Grade Crossing Law.—Grade crossing eliminations are carried out under the Railroad Law which provides that the expense shall be apportioned between the State, the City and the railroad company in the proportion of one-quarter each by the State and City and one-half by the Railroad Company. No action can be taken by the Commission toward ordering an elimination until the Legislature has appropriated the State's share. Thereafter the contribution by the City and the railroad company can be enforced.

Grade Crossing Appropriations.—Prior to 1910 appropriations under the Railroad Law for grade crossing elimination amounted to a total of \$1,625,000, of which the insignificant sum of \$9,720 was spent in New York City. This statement, however, is apt to be misleading unless it is remembered that prior to 1910 important elimination work was done under separate laws and special commissions with city and company participation. Notable instances of such separate treatment are the Atlantic Avenue and Bay Ridge Improvements.

It was not until 1910, and then by aggressive action of the Public Service Commission, that the Railroad Law was effectively applied to grade crossing elimination in New York City. Since 1909 the following appropriations have been made:

1910.....	\$250,000.00
1911.....	250,000.00
1913.....	699,696.50
1915.....	200,000.00
1917.....	250,000.00
1923.....	500,000.00

Total \$2,149,696.50

To avoid misunderstanding it is here stated that the appropriations listed are only those affecting New York City and do not include those for the rest of the State.

The increased figure in 1913 was due to the Legislature making available for grade crossing elimination one-half of the moneys received as mortgage recording tax upon mortgages made by the Interborough Rapid Transit Company and New York Municipal Railway Corporation to finance their part of the Dual Subway plan. This substantial help to grade crossing elimination as an incident of the dual system subway contracts is not generally known. In this connection attention might be drawn to the fact that the Reorganization Committee of the B. R. T. recently paid \$556,970.50 as mortgage recording tax upon certain mortgages involved in the reorganization. Following the precedent of 1913 the Legislature might well be asked to appropriate part or all of this amount in addition to any other sums appropriated for grade crossing elimination next year.

With the ever increasing growth of population and traffic, there should not be a grade crossing in New York City 20 years hence over which high speed trains operate frequently. The total cost of eliminating all the grade crossings in the City over which there is frequent and high speed railroad operation, is around \$50,000,000. To effect these eliminations within the period suggested would therefore require an appropriation by the Legislature each year for the next 20 years of at least \$600,000 to cover the State's one-quarter share of the cost.

Until this year appropriations averaged only about \$100,000 a year. At that rate it would require 125 years to complete the elimination of these grade crossings.

The appropriation of nearly \$700,000 in 1913 and of \$500,000 this year are important exceptions to the totally inadequate provision of the past. As will be set forth in discussing particular elimination projects, largely increased appropriations should be made in some years so that major eliminations can be put under way.

GRADE CROSSING ELIMINATIONS COMPLETED AND ORDERED.

The following grade crossing eliminations have been completed and paid for:

Case No. 1270—Huguenot Elim. (S. I. Ry.).....	1 crossing
Case No. 1272—Great Kills Elim. (S. I. Ry.).....	1 crossing
Case No. 1266—Flushing Elim. (L. I. RR.).....	10 crossings
Case No. 1261—Bushwick Jctn. Elim. (L. I. RR.).....	2 crossings
Case No. 1672—Railroad Av. Foot Subway constructed (L. I. RR.)	
Case No. 1262—Hollis Elim. (L. I. RR.).....	2 crossings
Cases No. 1756 & 1797—Pa. Ave. Elim. (S. I. R. T. Ry.).....	3 crossings
Case No. 2006—Gun Hill Rd. Bridge—(N. Y. Cen. RR.) Change in existing structure	

Final orders have been issued on the following grade crossing eliminations:

Case No. 2652—Jamaica Elim. (L. I. RR.).....	6 crossings
Cases Nos. 1264 & 1390—Queens Elim. (L. I. RR.).....	3 crossings
Cases Nos. 1780 & 1811—Pleasant Plains Elim. (S. I. Ry.).....	6 crossings
Case No. 1929—East 241st St. Wakefield—Change in existing structure (N. Y. Cen. RR.).....	1 crossing
Case No. 2130—Virginia Ave.—Change in existing structure (S. I. Ry.)	1 crossing
Case No. 2496A—Morris Ave. Change in Existing Structure (N. Y. Cen. RR.) (Finished)	1 crossing

These eliminations exhaust the State's appropriations except the one of \$500,000 made at the last session of the Legislature.

Grade crossing work was necessarily held up during the war and for some time thereafter. When the Transit Commission came into office it endeavored to accelerate the carrying out of projects previously authorized so that the money appropriated and not used would be expended without further delay. These endeavors have resulted in The Long Island Railroad Company going ahead with the Queens elimination (Cases 1264 and 1380). Through modification of other orders and re-allocation of funds it has also secured the agreement of The Long Island Railroad Company to go ahead with the elimination of grade crossings on the main line between Jamaica and Hollis (Case 2652). When the work under these three orders is completed, the Long Island Railroad will have a 4-track road equipped for intensive electric operation with all grade crossings eliminated from the Jamaica Station east to the City Line. This not only clears

dangerous grade crossings out of this district but enables the company to give greatly improved train service.

Plans are being prepared for the elimination in Staten Island with the promise on the part of the railroad company involved to begin work in the field in the spring.

The Wakefield change has been resisted by the New York Central Railroad Company and the 238th Street change which is closely related, is in the courts. The decisions have uniformly been in favor of the Commission and the company is now endeavoring to get permission to appeal to the Court of Appeals. It is expected that this litigation will shortly be ended and the work pressed forward.

In all, 39 grade crossings have been or will be eliminated under appropriations made by the State since 1909.

EXISTING GRADE CROSSINGS.

In order to get a general picture of the problem it will be helpful, before taking up particular elimination projects, to consider the existing situation by boroughs.

Borough of Manhattan.

There are still 106 grade crossings in the Borough of Manhattan, all of which are on the West Side. The elimination of these crossings constitutes what is known as the West Side Improvement, which has been under discussion for so many years and as to which there has unfortunately been such bitter controversy. Various laws have been passed and plans prepared looking to the carrying out of this improvement. It is manifestly too big a proposition to be handled piece meal under the strict application of the grade crossing law and with the minor state appropriations that are made from time to time.

The carrying out of this improvement has generally been left for direct action between the City authorities and the railroad company. Under the Mitchel Administration plans for carrying out the West Side Improvement were developed in great detail, but at the last the proposed arrangement failed of approval. During the present administration recourse has been had to litigation, but there seems to have been an utter absence of real progress.

The present lay-out of the railroad on the West Side is archaic and reminiscent of Civil War days. It was just about the close of the Civil War when a committee of the State Senate recommended the improvement of those conditions. The continuance of the present situation is a great detriment to the City and also a bar to the efficient railroad operation upon which the people of the City are so dependent.

In a matter as important and necessary as the carrying out of the West Side Improvement there should be a spirit of reasonable accommodation on all sides with a view to accomplishing results. The Commission has been at all times ready and willing to use its good offices to such an end and will use its legal powers to help toward a solution in any proper case.

Borough of The Bronx.

Grade crossings have been practically abolished in the Borough of The Bronx. There were five grade crossings in 1907, and of these 3 have been eliminated, leaving but 2 still to be disposed of.

Borough of Richmond.

Richmond Borough has 79 grade crossings on the lines of the Staten Island Railway and Staten Island Rapid Transit Railway, a number of which are particularly dangerous. In addition there are 29 private crossings which will ultimately be superseded by public streets as the City Plan is laid out and developed. Of the 79 public grade crossings, 6 have been ordered eliminated and money set aside for the State's one-quarter share of the cost, leaving 73 grade crossings on Staten Island that must be considered for elimination.

Borough of Brooklyn.

Brooklyn has 48 grade crossings. Sixteen of these crossings are on water front lines and dock terminals with infrequent, slow freight operation. I do not regard their present elimination as pressing. The remaining 32 crossings are on the Long Island Railroad. Of these, 22 are on the Evergreen Branch on which there is also infrequent, slow freight operation. Eight crossings are on the Atlantic Avenue Division, and 2 on the Bushwick Branch. These are of pressing and immediate importance, particularly those on the Atlantic Avenue Division.

Borough of Queens.

The Borough of Queens is fairly covered with grade crossings, a great many of which are particularly dangerous. In all there are 162 grade crossings in this borough, all on the Long Island Railroad. Seven of these crossings are on the Evergreen Branch, 7 are private ones, and 4 are on the Creedmoor Branch. The elimination of these crossings is not important at present. Three crossings at Richmond Hill on the Montauk Division are being eliminated under special agreement between The Long Island Railroad Company and the City. The Commission has ordered the elimination of 11 existing crossings and for the closing of another. There remains 129 crossings over which frequent train movements on high speed operation occur.

GRADE CROSSING ELIMINATION PROJECTS.

By reason of grades and other local conditions it is often impracticable to eliminate separate crossings. A number have to be taken together, and it is this combination or grouping of crossings that the engineers refer to as "elimination projects."

Mr. Selmar has reported the following elimination projects in Brooklyn, Queens and Richmond where frequent high speed operation is involved. In each case he has reported the number of crossings in each project and the estimated cost of elimination:

Borough of Brooklyn and Queens.

Project	No. of Crossings	Estimated Cost
Atlantic Div. bet. East New York and Jamaica.....	21	\$10,000,000
East New York Elim.—Atlantic Division.....	3	1,000,000
Ozone Park Elim.—Rockaway Beach Division.....	5	1,200,000
Springfield Elim.—Montauk Division.....	6	1,000,000
Bridge St., Flushing—Whitestone Branch.....	4	1,000,000
Auburndale—Bayside Elim.—North Side Division.....	2	1,000,000
St. Albans Elim.—Montauk Div.....	2	500,000
Far Rockaway Elim.—Far Rockaway Branch.....	11	3,000,000
Rockaway to Arverne Elim.—Rockaway Beach Div.....	26	7,000,000
Edgemere Elim.—Far Rockaway Branch.....	3	2,000,000
Elmhurst Elim.—North Side Division.....	1	300,000
Corona Elim.—North Side Division.....	4	1,000,000
College Point Elim.—Whitestone Branch.....	3	700,000
Whitestone Elim.—Whitestone Branch.....	3	600,000
Whitestone Landing Elim.—Whitestone Branch.....	2	200,000
Douglaston Elim.—North Side Division.....	1	100,000
Laurel Hill Blvd. Elim.—Montauk Division.....	1	200,000
Maspeth Elim.—Montauk Div.....	4	1,200,000
Glendale Elim.—Montauk Div.....	5	1,000,000
Long Island City Elim.—Main Line.....	4	1,000,000
Greenpoint Ave.—Montauk Div.....	1	200,000
Cedar Manor Elim.—Old Southern Division.....	4	800,000
Springfield Elim.—Old Southern Division.....	5	600,000
Rosedale Elim.—Montauk Div.....	3	1,000,000
Little Neck Elim.—North Side Div.....	1	10,000
Bushwick Branch.....	8	1,500,000
West St. Elim.—L. I. City.....	1	200,000
Old South Rd.—Rockaway Beach Div. at Aqueduct.....	1	200,000
Rockaway Beach Div.—		
(Trotting Course Lane).....	3	To be closed as per City Plan
(Centerville Ave.).....		
(Church St.).....		
Montauk Division—Trotting Course Lane.....	1	
Total for Brooklyn and Queens.....	139	\$38,510,000

Borough of Richmond.

Project	No. of Crossings	Estimated Cost
Bay St. Elim.....	1	\$500,000
Mariners Harbor—Port Richmond Elim.....	21	3,000,000
Stapleton Elim. (includes Arrietta Street).....	8	1,500,000
Maple Ave.—Chestnut Ave.—St. Mary's Ave.—Rosebank.....	3	100,000
Fort Wadsworth Elim.—Belair Rd. Ft. Wadsworth.....	3	500,000
South Beach Elim.....	1	500,000
Cedar Ave. Elim.—Arrochar.....	1	To be closed as per City Plan
Center St. Elim.—Clifton.....	1	200,000
Grassmere Elim.	4	500,000
Grant City Elim.....	4	600,000
Dungan Hills Elim.....	6	600,000
New Dorp Elim.....	5	600,000
Great Kills Elim.....	2	500,000
Tottenville Elim.	6	700,000
Eltingville Elim.	2	400,000
Annadale Elim.	1	200,000
Huguenot Elim.	1	200,000
Richmond Valley	1	200,000
Jersey St., New Brighton.....	1	100,000
Oakwood Heights Elim.....	1	100,000
Total for Richmond.....	73	\$11,000,000

Total for Brooklyn, Queens and Richmond.

Number of Projects	No. of Crossings	Estimated Cost
50	212	\$49,510,000

Grade Crossing Elimination on Staten Island.

The places on Staten Island where eliminations can be prosecuted to the best advantage are limited in number. Probably the most pressing situation is at Bay Street, Clifton, adjoining the new City piers, which cannot be fully utilized until the property along the shore ends is fully acquired. Track layouts connecting with the Staten Island Railway would also be involved in making plans for this elimination. The next location in importance is along the north shore at Port Richmond where 21 crossings require treatment as a group. Such a project would involve a total expense of at least \$3,000,000 which in view of the limited appropriation is out of the question at the present time.

In general, at the places on Staten Island where there is considerable traffic and population the expense involved is beyond present means. Furthermore, I am more and more inclined to the view that the proper solution of the Staten Island grade crossing situation is not under the Railroad Law but through the extension of City rapid transit. The two lines now furnishing transit service should be taken over by the City, reconstructed as high speed electric lines and connected with a properly designed tunnel under the Narrows and thereby with the main City rapid transit systems.

It is for these reasons that I do not recommend the allocation of any of the existing appropriation for grade crossing elimination on Staten Island. I do strongly urge the renewed consideration of the Staten Island situation from a rapid transit standpoint and the modification of the existing Staten Island Tunnel plans so as to fit in with the logical development of transit in that borough.

Atlantic Avenue Division of The Long Island Railroad.

Before discussing the allocation of the present appropriation of \$500,000 there should be special reference to grade crossing elimination on the Atlantic Avenue Division. The Long Island Railroad Company is now going ahead with elimination work between the Jamaica Station and the City Line. Logically the next set of grade crossings to be eliminated should be those west of Jamaica—between Jamaica and East New York. As shown above, 21 crossings would be involved in this project and the cost would be \$10,000,000, of which the State's share would be \$2,500,000. The crossings that would be eliminated are the following:

Norwood Avenue	Napier Avenue
Logan Street	Union Avenue (Freedom Avenue)
Euclid Avenue	Wyckoff Avenue
Crescent Street	Grant Avenue (Napier Place)
Railroad Avenue	Greenwood Avenue
Enfield Street (Elderts Lane)	Linden Avenue (Stoothoff Avenue)
Rockaway Plank Rd.	Jefferson Avenue (Walnut Avenue)
Shaw Avenue	Johnson Avenue (Church Avenue)
Benedict Avenue	Lefferts Avenue
Woodhaven Avenue	Beach Avenue
Vanderveer Place	

These crossings are probably regarded by our engineers as the most dangerous group of grade crossings in the City. Some of them are in sections already thickly built up where both pedestrian and vehicular traffic is extremely heavy. Serious accidents have occurred at some of these crossings, one last year in which three firemen were killed and two injured when a fire truck was struck by a train. The community traversed by this line of railroad is rapidly growing and highway traffic is greatly increasing. It is on the main line and high speed electric trains are run at frequent intervals under very intensive operation. Notwithstanding the best methods of protection which can be devised accidents cannot entirely be prevented.

In a communication dated April 20, 1923, addressed to Hon. Bernard Downing, Chairman of the Finance Committee of the State Senate, the Commission requested an appropriation by the State of \$2,500,000 for this important elimination project. The Legislature, however, found it was unable to comply with the Commission's request and the appropriation made by it was limited to \$500,000.

The Atlantic Division is the best example of the class of important grade crossings that cannot be reached under the policy of small annual appropriations. It can only be handled as a big job in a big way and that means a big appropriation. It was with this especially in mind that I stated earlier in this report that largely increased appropriations must be made in some years so that major eliminations can be put under way.

Allocation of Present Appropriations.

It is somewhat discouraging to approach the formidable list of grade crossing eliminations given above with the relatively small amount of money at hand. Important results—although not the most important—can be accomplished with \$2,000,000, and it remains to select those of the projects where that expenditure can do the most good at this time.

East New York Elimination.

If it were not for one consideration I would unhesitatingly select first the East New York elimination which will cost \$1,000,000. This is an important crossing with an elevated rapid transit structure and station over it. It is proposed to elevate the Long Island Railroad to connect with its present elevated structure to the east. East New York Avenue can pass under the railroad with but little change in grade. In my opinion it is most desirable to have the railroad company simultaneously with the elimination of the existing crossing expand the new structure from a 2- to a 4-track one. Simultaneously the railroad company could without unreasonable expense expand its present 2-track elevated structure to the east of this point to 4 tracks; reconstruct its Warwick Street Station as a local station with side platforms in place of the present island platform; and extend this 4-tracking a short distance to the east to a connection with the 4 tracks now there. All this would help most materially in improving the traffic conditions on the Atlantic Avenue Division which are now congested because of inadequate track facilities. Instead of having 4 tracks for a distance of but 1.3

miles as now, extending from Railroad Avenue to Woodhaven Junction, the elimination of the grade crossing on East New York Avenue and the 4-tracking outlined above would provide a stretch of three miles of 4-track road extending from East New York to Woodhaven Junction. This would result in a very marked improvement in traffic conditions.

My doubt about pressing this project arises out of the fact that on June 8, 1923, the Board of Estimate and Apportionment adopted the following resolution:

"Resolved, By the Board of Estimate and Apportionment, that a committee, consisting of the President of the Borough of Brooklyn, the President of the Borough of Queens, the Corporation Counsel and the Chief Engineer of this Board, be and hereby is appointed to confer with a duly qualified representative of the Long Island Railroad Company to the end that an agreement may be formulated for depressing the tracks of said company in Atlantic Avenue from Bedford Avenue in the Borough of Brooklyn to Van Wyck Avenue in the Borough of Queens."

Subsequently and under date of June 14, 1923, the Board of Estimate and Apportionment wrote the Commission, and after referring to this resolution said:

"In view of this action your attention is called to the undesirability of proceeding with the elimination of grade crossings at various points and expending funds for same when there may be a possibility of having the entire route placed underground."

Desirable as an Atlantic Avenue Boulevard with all tracks underground would be, I cannot but regard this proposition as chimerical. It would cost at least \$50,000,000 to carry out, and the plain truth of the matter is that neither the City nor the railroad company has any such amount of money in sight for such a purpose. It would add little to the operating capacity of the railroad, and The Long Island Railroad Company in the near future will have all it can do to obtain the large sums necessary to finance improvements that will furnish added service and accommodations.

I am very loath to press the East New York elimination until the Committee of the Board of Estimate and Apportionment has discussed this matter with the railroad officials and exhausted any possibility of carrying out the suggested plan. It may be that the public hearing hereinafter suggested will afford the opportunity for this matter being so threshed out that progress can be made on the grade crossing elimination.

Montauk Division—Merrick Road Elimination.

It is most desirable to eliminate the grade crossing on the Merrick Road, where it crosses the Montauk Division. The highway traffic at this point is intense. The elimination of this crossing involves the elimination of at least 6 others. There is considerable traffic on all these highways and they are in a territory that is steadily developing.

If the East New York elimination goes forward, I recommend eliminating the following crossings:

Farmers Avenue	Lakeview Avenue
Merrick Road	Willow Place
Springfield Road	Maple Avenue

which can be accomplished for \$800,000.

If the East New York elimination does not go forward, I recommend adding to the above the crossings at Central Avenue and Locust Avenue, which will increase the cost to \$1,200,000. This will clean out all the grade crossings on the Montauk Division from Hillside, where it leaves the main line just east of Jamaica, down to Springfield.

Cooper Avenue (Glendale) Elimination.

The Cooper Avenue crossing at Glendale on the Montauk Division is very heavily used by vehicles traveling to and from Brooklyn and Queens and out on Long Island. This elimination can readily be accomplished by raising the street grade to cross over the railroad tracks. The cost is estimated at \$200,000. In view of the heavy traffic, I recommend this elimination.

Broadway (Elmhurst) Elimination.

If the East New York elimination does not go forward, I believe the one at Broadway (Elmhurst) should be proceeded with. This grade crossing is directly east of the Elmhurst Station on the North Shore Division of the Long Island Railroad. East-

bound trains stopping at the Elmhurst Station come to a full stop before crossing Broadway, while westbound trains cross Broadway before making the stop. The records of the Commission show that since 1908 there have been 6 accidents at this crossing from which 4 fatalities resulted.

The crossing is protected by gates operated day and night. There is also a watchman, the usual "stop, look and listen" sign, and approach warning signs on the three streets leading to it. There is a very considerable train movement, as all trains for Whitestone and Port Washington pass this point. Broadway is one of the principal thoroughfares of the vicinity and street traffic is quite heavy.

This grade crossing is isolated, that is to say the elimination can be proceeded with by itself without involving any other crossings. The natural treatment would be to separate the grades by elevating the railroad to pass over the street with practically no change in the highway. It is estimated that such an elimination will cost close to \$500,000. Due to the fact that there is a small freight yard north of the main tracks and west of Broadway and streets paralleling the railroad on both its north and south sides, which necessitate retaining walls along the railroad, this is a comparatively expensive proposition for a single crossing elimination. Under all circumstances, however, I consider it abundantly justified.

Bridge Street (Flushing) Elimination.

Careful consideration has been given to the group of 4 crossings on the Whitestone Branch because of the very heavy traffic on Bridge Street, Flushing, on which a trolley line operates. Elimination of these crossings has been earnestly urged by the Flushing United Association through Mr. John Holley Clark. The only practical way to eliminate these grade crossings is by raising the grade of the railroad at a cost of over \$1,000,000.

Even if this elimination were authorized at this time, there would be many complications and delays before work could actually be proceeded with, as changes must be made in the bridge spanning Flushing Creek, a short distance to the west. The War Department and the City officials are now negotiating with respect to widening and deepening the channel in Flushing Creek, and the progress of these negotiations appears to be so slow that I do not think it desirable to undertake the elimination of these crossings at the present time, especially in view of the perhaps greater necessity at other places where the way is clear for the work to proceed.

On the basis of including the East New York elimination, the several projects recommended will cost \$2,000,000. Excluding East New York and making the recommended substitutions will cost \$1,900,000.

I have discussed these matters at some length with Vice President LeBoutillier of The Long Island Railroad Company and with some of his associates. Mr. LeBoutillier did not gainsay the prime importance of grade crossing elimination, but in view of other heavy engagements of his company he asked that it be relieved so far as possible of grade crossing work this year. He instanced the electrification of the Montauk Division to Babylon, but laid the greatest stress on the expense that might be imposed on the company by the so-called Kaufman Law of the last session, which requires the complete electrification of all railroads within the City limits of New York City before January 1, 1923. My understanding is that this law was aimed at the New York Central Company and its West Side operation. There are a number of places on the Long Island Railroad within City limits, such as the Evergreen Branch, where electrification, at this time at least, would be a mistake. Upon the presentation of the facts in these cases it is to be expected that the Legislature will favorably consider reasonable amendments. I told Mr. LeBoutillier that in my judgment favorable action by the Legislature was much more likely if the company did its full part on the grade crossing work.

In any event grade crossing evils are becoming more and more acute, and even though their elimination be a considerable financial strain, a railroad situated as the Long Island Railroad is must do its part. In the past 13 years the Long Island Railroad has only been called on to spend approximately \$2,500,000 for grade crossing work or an average of about \$200,000 a year. If called on to spend \$1,000,000 under this year's program its total is only raised to approximately \$3,500,000 and its annual average to about \$270,000.

With so many crossings calling for elimination, it is largely a matter of individual judgment to select the few that can be carried out now. The recommendations made

above represent the conclusions I have arrived at after a careful study with the aid of the Commission's engineers. I believe, however, that it would be a mistake for the Commission to adopt these recommendations before there has been full opportunity to check them by public consideration and discussion. In accordance with the Commission's uniform practice in such matters I suggest, therefore, that action on this report be held in abeyance until after a hearing at which the public and the officials of the railroad company may attend and express their views.

LEROY T. HARKNESS,
Commissioner.

Thereupon the above mentioned report was approved and the public hearing therein suggested was ordered to be held on November 21, 1923, at 11 A. M.

1522—Case No. 2702

Street Surface Railroad Corporations—Schedules of Service—Filing Order

The Secretary presented a report dated October 30, 1923, by the Chief of Transit Bureau recommending the adoption by the Commission of an order directed against street surface railroad corporations, requiring the filing of schedules of service.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2702 in the following form:

Present:

GEORGE McANENY,	} Commissioners.
Chairman,	
LEROY T. HARKNESS,	

IN THE MATTER
of the

Filing by street surface railroad companies and their receivers, if any, within the jurisdiction of the Transit Commission of schedules of passenger service operated on each line operated or controlled by them.

CASE No. 2702.
FILING ORDER.

Ordered, That all street surface railroad companies and their receivers, if any, and each of them, within the jurisdiction of the Transit Commission, be and they are hereby directed to do each and all of the following things, to wit:

1. File with this Commission within ten (10) days from the date of service of this order and three (3) days before their effective date a schedule showing as to each line operated or controlled by them or any of them the service which each of said companies or their receivers, if any, has established and is providing and is willing to provide and the number and headway of cars which such company is operating and is willing to continue to operate on each line until such time or times as such schedule shall be changed in the manner hereinafter provided and such schedules shall be signed and attested by the proper officers and agents of the company for which such schedule is submitted and shall show as to and for each line:

- (a) The route over which the operation of such line is to take place;
- (b) The car run numbers assigned to each line;
- (c) The terminals and car depots for such line;
- (d) The terminals of each run of cars on any part of such line;
- (e) The location of specific points, not less than five in number on a line

on which the running-time over the length thereof exceeds twenty (20) minutes, and two points on any other lines, past which the car of each run shall be scheduled to be operated at designated times of the day and night; such points, the runs, and the scheduled time at which each car on such run shall pass each such designated point, to be shown in and by the said schedules;

(f) Specific times of the day and night when the cars of each run shall be scheduled, respectively, to depart from such termini and to pass the designated points; and

(g) The active and idle car mileage provided by the schedule;

(h) A supplemental table on the schedule showing the headway between each time point on the schedule, also the number of cars required to operate the schedule during the a. m. rush hours, the midday hours and the p. m. rush hours.

Provided, however, that at any time after the filing of any such schedule or schedules the said company may make changes in or additions to any schedule filed by it upon filing with the Commission a supplemental schedule setting forth fully the changes or additions to be made in the schedule last theretofore filed.

It is further provided that any schedules now on file with the Commission which comply with and conform to the requirements of this Order may upon suitable notice by the company to the Commission to that effect be deemed as filed by the company as in compliance herewith and to be observed by the company accordingly.

It is further provided that any provision of any order or any orders inconsistent with the requirements hereof, be and the same hereby is deemed abrogated but only as to such inconsistent provision.

Further Ordered, That this order take effect at once.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1523—S. P. 754

Nassau Electric Railroad Company—Application for Special Permission to Continue Operation for One Year of Park Avenue Line, Exempting Transfer Requirement—Special Permission Adopted

The Secretary presented a communication dated October 29, 1923, from M. B. Hoffman, Assistant Counsel of the Nassau Electric Railroad Company, requesting that the Commission make an order continuing for one year the operation of the Park Avenue Line and exempting the exchange of free transfers.

Thereupon the Commission adopted and ordered filed Special Permission No. 754 reading as follows:

Present:

GEORGE McANENY,
Chairman, } Commissioners.
LEROY T. HARKNESS, }

IN THE MATTER
of the

Application of The Nassau Electric Railroad Company for special permission to continue on file Revised Sheet No. 52 to its Local and Joint Passenger Tariff No. 1, providing for the continuance of the resumption of service on its Park Avenue Line, between Central Avenue, Cooper Street and Washington and Sands Streets, via Central Avenue, Jefferson Street, Bushwick Avenue, Beaver Street, Park Street, Park Avenue, Navy Street, Concord Street and Washington Street, exchanging free transfers with the lines operated to Park Row by The Coney Island and Brooklyn Railroad Company at Sands Street.

SPECIAL PERMISSION
No. 754.

Whereas, The Nassau Electric Railroad Company, by M. B. Hoffman, Assistant Counsel, has made application in writing, dated October 29, 1923, for an Order continu-

ing for a period not exceeding one year, the operation of the Park Avenue Line, approved by Special Permission No. 734, dated October 24, 1922, and

Whereas, Under Chapter 748 of the Laws of 1923, the Commission is authorized to make the Order herein applied for, it is

Ordered, That Special Permission No. 754, be and hereby is granted authorizing The Nassau Electric Railroad Company to continue in effect for a period of one year from November 2, 1923, the schedules in respect to the Park Avenue Line, now on file with the Commission.

Further Ordered, That the provisions of any charter or franchise or agreement whereby The Nassau Electric Railroad Company, in operating the street railway line, commonly known as the Park Avenue Line, is obliged to issue, receive or exchange transfers to and from connecting lines be and the same hereby are suspended and waived for a period of one year from November 2, 1923, except as in said schedules otherwise provided.

Further Ordered, That this Order and special permission take effect November 2, 1923.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1524—Case No. 2601

Sixth Avenue Railroad Company and Ninth Avenue Railroad Company—Complaint of S. M. Jackson Jacobs as to Failure of Receiver to Honor Transfers at 53rd Street—Report by Counsel of Affirmance by Court of Appeals of Order of Appellate Division Affirming Commission's Order—Filed

The Secretary presented a report dated October 25, 1923, by George H. Stover, Assistant Counsel, approved by Counsel, advising that on October 23, 1923, the Court of Appeals unanimously affirmed without opinion the order of the Appellate Division, First Department, which had affirmed the order of the Commission in Case No. 2601 adopted July 12, 1921, directing Job E. Hedges, Receiver of the Sixth Avenue Railroad Company, to honor transfers of the Ninth Avenue Railroad Company at 53rd Street, Manhattan.

Thereupon the above mentioned report was ordered filed.

1525

The Long Island Railroad Company—New Tariff Supplement Relating to Rates on Shipments of Milk, Buttermilk, Cheese, etc.—Report by Chief of Bureau of Complaints and Traffic—Filed

The Secretary presented Tariff Supplement No. 2 to T. C.—N. Y. No. 189 filed by The Long Island Railroad Company on October 22, 1923, effective November 20, 1923, relating to rates on carload shipments of milk, skimmed milk, buttermilk, pot cheese, cream and condensed milk.

The Secretary also presented a report dated October 22, 1923, by the Chief of Bureau of Complaints and Tariffs advising the new tariff reduces the rate per quart from 1-1/5c to 1c and the minimum charge of \$15 per car was increased to \$30 per car, that the only shipper affected was the Sheffield Farms Co., Inc., who had advised that they were satisfied.

Thereupon the above mentioned papers were filed.

1526—R. T. 7367

Routes Nos. 35 & 67—Receipt from Department of Finance for Check in Sum of \$3,000 for Changes in Subway Ventilating Chamber in Front of the Premises at Nos. 119-127 West 41st Street, Borough of Manhattan—Filed

The following receipt was ordered filed:

October 23, 1923.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
BUREAU OF ACCOUNTANCY
DIVISION OF RECEIPTS

Received from Transit Commission check for Three Thousand Dollars (\$3,000.00). Estimated cost of construction, pursuant to an agreement dated September 21, 1923, between Rudolph Wurlitzer & Company and the City of New York by the Transit Commission, of a subway ventilating chamber in front of premises Nos. 119-127 West 41st Street, New York.

To be deposited to the credit of account S 915—Miscellaneous Receipts from the Transit Commission for work done by Contractors not included within the provisions of their contracts.

For Comptroller,
H. H. RATHYEN.

1527—R. T. 7644

Agreement "CP"—Notice by Chief Engineer of Commencement of Work for Changes in Structure to Provide for Crossover on Section No. 5 of Route No. 8—Filed

A notice was ordered filed from the Chief Engineer dated October 24, 1923, advising of the commencement of work by David Levy on October 22, 1923, for making changes in the subway structure so as to provide for a crossover on Section No. 5 of Route No. 8, Agreement "CP".

1528

Leases—Proposed Lease of Seventh Floor of Premises at Nos. 54-60 Lafayette Street, Borough of Manhattan—Approval Resolution

The following resolution was adopted:

Resolved, That this Commission do and it hereby does approve the proposed form of lease from the Civic Centre Company, now submitted to this Commission, covering entire seventh floor of the building located at and designated as Nos. 54-60 Lafayette Street, Borough of Manhattan, City of New York, to be occupied as an office and drafting room of the Commission for a term commencing from the 15th day of December, 1923, to the 15th day of December, 1928, at the annual rental of Ten Thousand (\$10,000) dollars, payable in monthly installments and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said lease for and on behalf of this Commission.

1529

Employees' Calendar No. 173

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees.

Appointment under Rule VIII:9—Anthony J. Donargo, draftsman, at \$175.08 per month, to take effect November 9, 1923; Maurice Friedlander, engineering inspector, at \$150.08 per month, to take effect November 5, 1923; Louis S. Kirjassoff, draftsman, at \$175.08 per month, to take effect November 5, 1923; William Y. Llewelyn, inspector of steel, at \$175.00 per month, to take effect November 23, 1923; Herbert W. Steinbeck, draftsman, at \$175.08 per month, to take effect November 10, 1923.

Reinstatement under Rule XVI:1—Stephen M. Bochales, inspector of equipment, at \$125.08 per month, to take effect May 1, 1923.

Resignations—Charles C. Duffy, junior assistant, at \$125.08 per month, to take effect October 10, 1923; Joseph I. Garfunkel, draftsman, at \$175.08 per month, to take effect November 3, 1923; Benjamin Harris, draftsman, at \$175.08 per month, to take effect October 27, 1923.

Termination of Appointment under Rule VIII:4—Anthony J. Donargo, draftsman, at \$175.08 per month, to take effect November 8, 1923; Maurice Friedlander, engineering inspector, at \$150.08 per month, to take effect November 4, 1923; Louis S. Kirjassoff, draftsman, at \$175.08 per month, to take effect November 4, 1923; William Y. Llewelyn, inspector of steel, at \$175.00 per month, to take effect November 22, 1923; Herbert W. Steinbeck, draftsman, at \$175.08 per month, to take effect November 9, 1923.

Leave of Absence with Pay—Simon Lipschitz, clerk, from October 13, 1923, to October 19, 1923.

Leave of Absence without Pay—Stephen M. Bochales, inspector of equipment, from May 1, 1923, to November 6, 1923.

1530

Voucher Schedule No. 45

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct:

Vouchers Nos. 1002-1014, open market orders, \$2,152.42; Vouchers Nos. 189-192; 194-197, City payrolls, \$35,180.37; Voucher No. 193, City payroll, \$58,755.87; Voucher No. CM-21, State payroll, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 284; B. T. & J. J. Mack, Inc.; Final Estimate for the construction of transformer closets for emergency lighting for part of the Broadway-Fourth Avenue Rapid Transit Railroad, to October 8, 1923 (R. T. 7587) \$1,628.29;

Voucher No. 285; Comptroller of The City of New York; approximate estimate No. 1 for a quantity of broken stone stored on the Jerome Avenue Reservoir site, from July 19, 1922 to September 30, 1923 (R. T. 7307) \$5,127.10.

1531

Upon motion duly seconded and adopted, the meeting was adjourned to Wednesday, November 7, 1923.

1532—Case No. 2699

Hearing

The following hearing was adjourned:

Case No. 2699; Manhattan Bus Corporation; Application for a certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan. Adjourned to November 13, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

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PROCEEDINGS OF
TRANSIT COMMISSION

49 Lafayette Street
Borough of Manhattan, City of New York

Proceedings for Friday, November 2, 1923

Present: George McAneny, Chairman; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1533—R. T. 7702

Route No. 52, Section No. 2—Receipt of Bids for Furnishing and Erecting Structural Steel for Part of Flushing Line—Referred to Chief Engineer

Chairman McAneny stated that the time within which to receive bids for furnishing and erecting structural steel for Section No. 2 of Route No. 52, part of the Flushing Line, had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box, which had been provided for the deposit of such bids, and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the five bids received. The bids were then referred to the Chief Engineer.

1534—R. T. 7602

Route No. 52, Section No. 2—Receipt of Bids for Construction of Column Foundations for Part of Flushing Line—Referred to Chief Engineer

Chairman McAneny stated that the time within which to receive bids for the construction of column foundations for Section No. 2 of Route No. 52, part of the Flushing Line, had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box, which had been provided for the deposit of such bids, and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the fourteen bids received. The bids were then referred to the Chief Engineer.

1535—R. T. 3013

Agreement "CR"—Receipt of Bids for Relocation of Entrances to 157th Street Station—Referred to Chief Engineer

Chairman McAneny, stated that the time within which to receive bids for relocation of entrances to 157th Street Station of the Manhattan-Bronx Rapid Transit Railroad—Agreement "CR", had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box, which had been provided for the deposit of such bids, and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the five bids received. The bids were then referred to the Chief Engineer.

1536—R. T. 7701

Route No. 18, Section No. 1—Receipt of Bids for Installation of Frogs, Switches, and Tracks at 180th Street Yard—Referred to Chief Engineer

Chairman McAneny stated that the time within which to receive bids for the installation of frogs, switches and tracks, and preparation of tracks for the storage of cars at the 180th Street Yard, Section No. 1 of Route No. 18, had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box, which had been provided for the deposit of such bids, and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the two bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, November 7, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1537

The Minutes of the Proceedings for the month of August, 1923, were approved.

1538—R. T. 7702

Route No. 52, Section No. 2—Resolution Authorizing Release of Checks to All But Lowest Bidder for Furnishing and Erecting Structural Steel for Part of Flushing Line—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on November 2, 1923 for furnishing and erecting structural steel on Section No. 2 of Route No. 52, Flushing Line, the Secretary be and he hereby is authorized and directed to return to all except the lowest bidder the certified checks in the sum of Five thousand dollars (\$5,000) each deposited with their bids.

1539—R. T. 7602

Route No. 52, Section No. 2—Resolution Authorizing Release of Checks to All But Lowest Bidder for Construction of Column Foundations for Part of Flushing Line—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on November 2, 1923, for the construction of column foundations on Section No. 2 of Route No. 52, Flushing Line, the Secretary be and he hereby is authorized and directed to return to all except the lowest bidder the certified checks in, the sum of Five thousand dollars (\$5,000) each deposited with their bids.

1540—R. T. 3013

Agreement "CR"—Resolution Authorizing Release of Checks to All But Lowest Bidder for Relocation of Entrances to the 157th Street Station—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on November 2, 1923, for the relocation of entrances to the 157th Street Station of the Manhattan-Bronx Rapid Transit Railroad—Agreement "CR," the Secretary be and he hereby is authorized and directed to return to all except the lowest bidder, the certified checks in the sum of Three Hundred (\$300.00) Dollars, each, deposited with their bids.

1541—R. T. 7701

Route No. 18—Resolution Authorizing Release of Checks to All But Lowest of Bidders for Installation of Frogs, Switches and Tracks, at 180th Street Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on November 2, 1923, for the installation of frogs, switches and tracks, and preparation of tracks for storage of cars—180th Street Yard, the Secretary be and he hereby is authorized and directed to return to all except the lowest bidder, the certified checks in the sum of Five Hundred (\$500.00) Dollars, each, deposited with their bids.

1542—R. T. 7702

Route No. 52, Section No. 2—Report by Chief Engineer as to Receipt of Bids for Furnishing and Erecting Structural Steel for Part of Flushing Line and Recommendation for Award of Contract to The Jobson-Gifford Company at Bid Price of \$443,239—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

November 5, 1923.

To the TRANSIT COMMISSION:

Award of Contract for Furnishing and Erecting Structural Steel, Route No. 52, Section No. 2, Flushing Route, to Jobson-Gifford Co.

On November 2, 1923 the following bids were received for Furnishing and Erecting Structural Steel for a part of a Rapid Transit Railroad, Flushing Route, Route No. 52, Section 2:

Name	Amount
1. The Jobson-Gifford Company.....	\$443,239.00
2. McClintic-Marshall Company	456,935.00
3. Post & McCord	460,061.50
4. Bethlehem Steel Company	468,619.00
5. The Phoenix Bridge Company	473,223.00

Our estimate for this work amounted to \$509,400.

I have examined the bid of Jobson-Gifford Co., the lowest bidder, and find the prices reasonable. This Company is now successfully carrying out the contract for the Commission under Agreement "BZ," Routes 36 and 37, Section No. 1, making changes in steel work at the easterly approach of the Queensboro Plaza Station. This Organization has also successfully done a great deal of work for the New York Municipal Railway Corporation in connection with third tracking that Corporation's elevated lines in Brooklyn.

I transmit herewith copy of minutes of a conference held in my office today with representatives of this Company as well as of its financial statement.

I consider the Jobson-Gifford Co. well qualified to carry out the work under this contract.

Recommendation: From an engineering standpoint I recommend that the contract for Furnishing and Erecting Structural Steel for a part of a Rapid Transit Railroad,

Flushing Route, Route No. 52, Section No. 2, be awarded to the lowest bidder, Jobson-Gifford Co. at its bid figure of \$443,239 and that a requisition be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for furnishing and erecting structural steel for part of the Flushing Line, Route No. 52, Section No. 2, was finally adopted on October 16, 1923 and subsequent to advertisement duly made, bids respectively totalling as follows were received on November 2, 1923:

The Jobson-Gifford Company	\$443,239.00
McClintic-Marshall Company.....	456,935.00
Post & McCord	460,061.50
Bethlehem Steel Company	468,619.00
The Phoenix Bridge Company	473,223.00

; and

Whereas, The Chief Engineer of this Commission by communication dated November 5, 1923 has reported that the amount of said bid is reasonable and that the said Jobson-Gifford Company, the low bidder, is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$443,239, the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of the Jobson-Gifford Company submitted as aforesaid be and the same hereby is accepted and the said proposed contract for furnishing and erecting structural steel for part of Flushing Line, Route No. 52, Section No. 2 be and the same hereby is awarded to said Jobson-Gifford Company, subject to its being approved and consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$443,239, estimated to be necessary to meet the City's obligation under said proposed contract be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment as authorized by the above resolution was as follows:

November 7, 1923.

**BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.**

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission and The Jobson-Gifford Company for furnishing and erecting structural steel for part of Flushing Line, Route No. 52, Section No. 2, together with a requisition upon your Honorable Board for the appropriation of the sum of Four Hundred and Forty-three Thousand, Two Hundred and Thirty-nine Dollars (\$443,239), being the estimated amount necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for said proposed contract and bids were received on November 2, 1923 respectively totalling as follows:

The Jobson-Gifford Company.....	\$443,239.00
McClintic-Marshall Company	456,935.00
Post & McCord.....	460,061.50
Bethlehem Steel Company.....	468,619.00
The Phoenix Bridge Company.....	473,223.00

The Chief Engineer of this Commission in a communication dated November 5, 1923 reports that the bid of The Jobson-Gifford Company, the low bidder is reasonable and that the said company is competent and financially capable of carrying out the

provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to said The Jobson-Gifford Company subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Four Hundred and Forty-three Thousand, Two Hundred and Thirty-nine Dollars (\$443,239) and also to direct the Comptroller of The City of New York to issue the bonds of said City at such rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligation under said proposed contract, to wit, the sum of Four Hundred and Forty-three Thousand, Two Hundred and Thirty-nine Dollars (\$443,239).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of Corporate Stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1543—R. T. 7602

Route No. 52, Section No. 2—Report by Chief Engineer as to Receipt of Bids for Construction of Column Foundations for Part of Flushing Line and Recommendation for Award of Contract to Gotham Construction Corporation at Bid Price of \$149,830—Approval Resolution—Requisition upon Board of Estimate and Apportionment—Communication to Commissioner of Plant and Structures

The following report was approved:

November 5, 1923.

To: the TRANSIT COMMISSION:

Subject: *Award of Contract for Column Foundations, Flushing Route No. 52, Section No. 2, to Gotham Construction Corp.*

On November 2, 1923 the following bids were received for Construction of Column Foundations for a part of a Rapid Transit Railroad, Flushing Route, Route No. 52, Section No. 2:

Name	Amount
1. Gotham Construction Corporation.....	\$149,830.00
2. Phoenix Construction Co.....	154,168.00
3. McHarg-Barton Co.	157,920.00
4. Donnell-Zane Co., Inc.....	158,285.00
5. James E. Gaffney.....	162,524.00
6. Slattery Engr'g. & Constr. Co. Inc.....	167,550.00
7. John D. Walsh, Inc.....	169,420.00
8. Ward & Tully, Inc.....	170,145.00
9. Dominick Bonacci	171,410.00
10. Gustin-Morris Contr'g. Corp.....	173,942.50
11. Rosenthal Engr'g. Contr'g Co.....	179,180.00
12. Thomas Crimmins Contr'g. Co.....	187,150.00
13. T. J. Waters Co.....	211,640.00
14. Michael Del Balso.....	227,400.00

Our estimate for this work amounted to \$196,715.

I have examined the bid of Gotham Construction Corporation, the lowest bidder, and find the prices reasonable.

The Gotham Construction Corporation has not previously done any work for the Commission but its president, W. G. Cooper has done considerable work for the Public Service Commission and the Transit Construction Commissioner either under the name

of Cooper & Evans or W. G. Cooper, Inc. amounting in all to more than \$2,500,000 and his work in general has been satisfactory.

I transmit herewith copy of minutes of a conference held in my office today with representatives of the Gotham Construction Corporation in which a statement is made in regard to the financial status of the Corporation.

Recommendation: From an engineering standpoint I recommend that the contract for Construction of Column Foundation for a part of a Rapid Transit Railroad, Flushing Route, Route No. 52, Section No. 2, be awarded to the lowest bidder, Gotham Construction Corporation at its bid figure of \$149,830 and that a requisition be made on the Board of Estimate and Apportionment for an appropriation of this amount to be charged to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for construction of column foundations for part of the Flushing Line, Route No. 52, Section No. 2 was finally adopted on October 16, 1923 and subsequent to advertisement duly made bids respectively totalling as follows were received on November 2, 1923:

Name	Amount
Gotham Construction Corporation.....	\$149,830.00
The Phoenix Construction Company.....	154,168.00
McHarg-Barton Company	157,920.00
Donnell-Zane Company, Inc.....	158,285.00
James E. Gaffney.....	162,524.00
Slatery Engineering & Construction Co. Inc.....	167,550.00
John D. Walsh, Inc.....	169,420.00
Ward & Tully, Inc.....	170,145.00
Dominick Bonacci	171,410.00
Gustin-Morris Contracting Corporation.....	173,942.50
Rosenthal Engineering Contracting Co.....	179,180.00
Thomas Crimmins Contracting Co.....	187,150.00
T. J. Waters Company.....	211,640.00
Michael Del Balso.....	227,400.00

; and

Whereas, The Chief Engineer of this Commission by communication dated November 5, 1923 has reported that the amount of said bid is reasonable and that the said Gotham Construction Corporation, the low bidder, is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$149,830, the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Gotham Construction Corporation submitted as aforesaid be and the same hereby is accepted and the said proposed contract for construction of column foundations for part of the Flushing Line, Route No. 52, Section No. 2, be and the same hereby is awarded to said Gotham Construction Corporation subject to its being approved and consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$149,830 estimated to be necessary to meet the City's obligation under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment as authorized by the above resolution was as follows:

November 7, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable

Board as required by law a proposed contract to be entered into between The City of New York acting by the Transit Commission and Gotham Construction Corporation for construction of column foundations for part of the Flushing Line, Route No. 52, Section No. 2, together with a requisition upon your Honorable Board for the appropriation of the sum of One Hundred and Forty-nine Thousand, Eight Hundred and Thirty Dollars (\$149,830) being the amount estimated to be necessary to meet the City's obligation under said proposed contract.

Advertisement has been duly made for proposals of said proposed contract and bids were received on November 2, 1923, respectively totalling as follows:

Gotham Construction Corporation.....	\$149,830.00
The Phoenix Construction Company.....	154,168.00
McHarg-Barton Company	157,920.00
Donnell-Zane Company, Inc.	158,285.00
James E. Gaffney	162,524.00
Slattery Engineering & Construction Co., Inc.....	167,550.00
John D. Walsh, Inc.....	169,420.00
Ward & Tully, Inc.....	170,145.00
Dominic Bonacci	171,410.00
Gustin-Morris Contracting Corporation	173,942.50
Rosenthal Engineering Contracting Co.....	179,180.00
Thomas Crimmins Contracting Co.....	187,150.00
T. J. Waters Company.....	211,640.00
Michael Del Balso	227,400.00

The Chief Engineer of this Commission in a communication dated November 5, 1923 reports that the bid of Gotham Construction Corporation, the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to the said Gotham Construction Corporation, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith submitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of One Hundred and Forty-nine Thousand, Eight Hundred and Thirty Dollars (\$149,830) and also to direct the Comptroller of The City of New York to issue the bonds of said City at such rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligation under said proposed contract, to wit, the sum of One Hundred Forty-nine Thousand, Eight hundred and thirty Dollars (\$149,830).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

The following communication to the Commissioner of Plant and Structures, was approved:

November 7, 1923.

Hon. GROVER A. WHALEN,
Commissioner of Plant & Structures,
Municipal Building,
New York, N. Y.
Dear Sir:

You will recall that the Board of Estimate and Apportionment by resolution adopted June 1, 1923, authorized your department to proceed with the preparation of plans for prosecuting the work of constructing the joint rapid transit and highway bridge over the Flushing River as a link in the extension of the Corona Branch of the Queensboro Rapid Transit Railroad from its present terminus to Main Street, Flushing.

The Commission at its meeting today awarded two contracts for the construction of column foundations and the supply and erection of structural steel for the second section of this proposed extension, which completes the construction work to be placed under contract for said extension by this Commission.

The Commission communicates this information to you for the purpose of apprising you of the present status of this work with a view to cooperation in the effort to complete this very important extension for use by the travelling public at the earliest possible time.

Yours very truly,
JAMES B. WALKER,
Secretary.

1544—R. T. 3013

Agreement "CR"—Report by Chief Engineer as to Receipt of Bids for Relocation of Stairways at 157th Street Station and Recommendation for Award of Contract to John Riches, at Bid Price of \$51,911.50—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

November 3, 1923.

To: TRANSIT COMMISSION.

Subject: *Award of Contract for work under Agreement "CR" to John Riches.*

On November 2, 1923, the following bids were received for work under Agreement "CR," Relocation of Entrances to the 157th Street Station of the Manhattan-Bronx Rapid Transit Railroad, Borough of Manhattan, Contract No. 1:

Name	Amount
1. John Riches	\$51,911.50
2. Frank Persicano	54,951.70
3. Norman A. Deiser	61,793.00
4. Edward Balaban & Co.....	79,765.50
5. Maurice D. Walsh	85,100.00

Our estimate for this work amounts to \$50,554.50.

I have looked into the prices quoted by the lowest bidder and find them reasonable.

John Riches has been connected with subway construction for a number of years in the capacity of superintendent of construction for other contractors and as subcontractor. He had a contract in his own name for restoration of sidewalk surface and street grade including raising car tracks on Lexington Avenue amounting to about \$21,700, which was carried out successfully. His work has been very satisfactory.

I transmit herewith a copy of minutes of a conference held in my office today with Mr. Riches containing his financial statement, and also copy of letter from his wife dated November 3rd stating that she would furnish financial assistance to Mr. Riches if required.

The work under the above agreement is to be done to permit of widening the roadway at Broadway and 157th Street as requested by the Borough Authorities.

On January 19, 1923, the Board of Estimate and Apportionment passed the following resolution:

"Resolved, by the Board of Estimate and Apportionment, that pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding twenty-six thousand dollars (\$26,000) which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which, to the amount of the par value thereof to be used for the relocation of subway stairways at the southeast and northwest corners of 157th Street and Broadway, and work incidental thereto, under the jurisdiction of the President, Borough of Manhattan; the work of such relocation to be performed by the operating company under the supervision of the Transit Commission the cost thereof to be certified upon vouchers prepared by the Transit Commission and endorsed by the President of the Borough of Manhattan."

Since the original estimate of \$26,000 was made for this work, the amount of work was increased at the request of the Borough Authorities by the inclusion of additional pavement and curbing. Furthermore, the detailed study during the preparation of

plans for this work developed that changes would be required of various subsurface structures not previously expected. In addition to this, since the estimate was made in September, 1922, the cost of construction has advanced very materially and in accordance with the index of the Engineering News-Record this advance was about 30%. It was originally expected that this work would be done under an agreement with the Operating Company but in view of the fact that the cost was in excess of \$25,000, counsel advised that it was necessary to advertise for competitive bids.

Recommendation: It is respectfully recommended that the contract under the Agreement "CR," Relocation of Entrances to the 157th Street Station of the Manhattan-Bronx Rapid Transit Railroad, Borough of Manhattan, Contract No. 1, be awarded to the lowest bidder, John Riches, at his bid figure of \$51,911.50 and that the Board of Estimate and Apportionment be requested to rescind its resolution of January 19, 1923 in reference to this work and instead to make an appropriation of \$51,911.50 to cover the cost thereof, the amount to be taken from other than Rapid Transit funds and the work to be done by John Riches under Agreement "CR."

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment by resolution adopted January 19, 1923 authorized the performance of the work, as a highway improvement, of relocating subway stairways at the southeast and northwest corners of 157th Street and Broadway, Borough of Manhattan, appropriating the sum of \$26,000, therefore, and directing that this Commission certify the cost thereof; and

Whereas, The form of the proposed contract for relocation of entrances to the 157th Street Station of the Manhattan-Bronx Rapid Transit Railroad, Borough of Manhattan, Contract No. 1, Agreement "CR", was finally adopted on October 16, 1923 and subsequent to advertisement duly made bids respectively totalling as follows were received on November 2, 1923.

John Riches	\$51,911.50
Frank Persicano	54,951.70
Norman A. Deiser.....	61,793.00
Edward Balaban & Co.....	79,765.50
Maurice D. Walsh.....	85,100.00

; and

Whereas, The Chief Engineer of this Commission by letter dated November 3, 1923, stated in part as follows:

"Since the original estimate of \$26,000 was made for this work, the amount of work was increased at the request of the Borough Authorities by the inclusion of additional pavement and curbing. Furthermore, the detailed study during the preparation of plans for this work developed that changes would be required of various subsurface structures not previously expected. In addition to this, since the estimate was made in September, 1922, the cost of construction has advanced very materially and in accordance with the index of the Engineering News-Record this advance was about 30%. It was originally expected that this work should be done under an agreement with the Operating Company but in view of the fact that the cost was in excess of \$25,000, counsel advised that it was necessary to advertise for competitive bids."

that the amount of said bid is reasonable and that the said John Riches, the low bidder is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to him and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$51,911.50, the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of John Riches submitted as aforesaid be and the same hereby is accepted and the said proposed contract for relocation of entrances to the 157th Street Station of the Manhattan-Bronx Rapid Transit Railroad, Borough of Manhattan, Contract No. 1, Agreement "CR", be and the same hereby is awarded to said John Riches, subject to its being approved and consented to in form and substance as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$51,911.50

estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment as authorized by the above resolution was as follows:

November 7, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board on January 19, 1923 adopted the following resolution:

"Resolved, By the Board of Estimate and Apportionment, that pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of The City of New York in an amount not exceeding twenty-six thousand dollars (\$26,000) which shall be included in annual tax levies, in the manner provided by said section 189 of the Charter, the proceeds of which, to the amount of the par value thereof to be used for the relocation of subway stairways at the southeast and northwest corners of 157th Street and Broadway, and work incidental thereto, under the jurisdiction of the President, Borough of Manhattan; the work of such relocation to be performed by the operating company under the supervision of the Transit Commission, the cost thereof to be certified upon vouchers prepared by the Transit Commission and endorsed by the President of the Borough of Manhattan."

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, accordingly transmits herewith for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and John Riches, for relocation of entrances to the 157th Street Station of the Manhattan-Bronx Rapid Transit Railroad, Borough of Manhattan, Contract No. 1, Agreement "CR," together with a requisition upon your Honorable Board for the appropriation of the sum of Fifty-one thousand, nine hundred and eleven dollars and fifty cents (\$51,911.50), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on November 2, 1923, respectively totalling as follows:

John Riches	\$51,911.50
Frank Persicano	54,951.70
Norman A. Deiser	61,793.00
Edward Balaban & Co.	79,765.50
Maurice D. Walsh	85,100.00

The Chief Engineer of this Commission, in a communication dated November 3, 1923 reports that the bid of John Riches, the low bidder, is reasonable, and that he is competent and financially capable of carrying out the provisions of said contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the said John Riches, subject to its being approved and consented to in form and substance as required by law.

In said report the Chief Engineer further states:

"Since the original estimate of \$26,000 was made for the work, the amount of work was increased at the request of the Borough Authorities by the inclusion of additional pavement and curbing. Furthermore, the detailed study during the preparation of plans for this work developed that changes would be required of various subsurface structures not previously expected. In addition to this, since the estimate was made in September, 1922, the cost of construction has advanced very materially and in accordance with the index of the Engineering News-Record this advance was about 30%. It was originally expected that this work would be done under an agreement with the Operating Company but in view of the fact that the cost was in excess of \$25,000, counsel advised that it was necessary to advertise for competitive bids."

Your Honorable Board is therefore requested to consent to said proposed agreement herewith transmitted and to modify the resolution of January 19, 1923 aforesaid, so as to increase the sum authorized to be acquired to the amount of said low bid upon

which the conditional award of said proposed agreement is predicated, to wit, the sum of Fifty-one thousand, nine hundred and eleven dollars and fifty cents (\$51,911.50) and, also, to delete the condition that the work be performed "by the operating company."

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1545—R. T. 7701

Route No. 18, Section No. 1—Report by Chief Engineer as to Receipt of Bids for Installation of Tracks, etc. in 180th Street Yard and Recommendation for Award of Contract to McElroy & Kerwin, at Bid Price of \$15,285—Approval Resolution—Requisition upon Board of Estimate and Apportionment for Appropriation of \$16,000

The following report was approved:

November 5, 1923.

To the TRANSIT COMMISSION:

Proposed Contract for the Installation of Tracks in the 180th Street Yard—White Plains Road Line, Route 18.

As reported in my communication of November 3rd, bids were received November 2nd for the installation of frogs, switches and tracks and the preparation of tracks for the storage of cars in the 180th Street Yard of the White Plains Road Line, as follows:

McElroy & Kerwin	\$15,285
Slattery Engineering & Construction Company, Inc.....	16,380

On the afternoon of November 2nd, Mr. Kerwin was examined in my office. I believe that this firm is competent to perform the work under this contract. Their bid price was about \$2,000 more than our Engineer's estimate, but I believe in view of unusual features connected with the work and its peculiar location that the price is reasonable.

Attached hereto is a copy of the minutes of the interview held in my office, a financial statement of the firm and copies of the tabulation of the bids.

This contract provides that City's materials which are not incorporated in the work shall be transported by the Contractor to points within the City of New York, as directed, under the provisions of the extra work clause. The contract also provides that work of changing the line equipment to the extent that it is not covered by the unit prices shall be arranged for by the Contractor with the Interborough Rapid Transit Co., in which event the City is obligated to pay the actual net cost plus 5%. To cover these possibilities and unforeseen contingencies an amount somewhat in excess of the net amount of the bid should be requested. I believe the sum of \$16,000 will cover the entire cost of this contract.

Recommendation: That with concurrence of Counsel the contract be awarded to McElroy and Kerwin at their bid price of \$15,285 and that a sum of \$16,000 be requested from the Board of Estimate and Apportionment all chargeable to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the installation of tracks in the 180th Street Yard, White Plains Road Line, Route No. 18, was finally adopted on October 16, 1923 and subsequent to advertisement duly made bids respectively totalling as follows were received on November 2, 1923:

McElroy & Kerwin	\$15,285
Slattery Engineering & Construction Co., Inc.....	16,380

; and

Whereas, The Chief Engineer of this Commission, by communication dated November 5, 1923, has reported that the amount of said bid is reasonable and that McElroy & Kerwin, the low bidder, is financially able and competent to perform the work under said proposed contract and has recommended the award of said pro-

posed contract to them and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$16,000, the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of McElroy & Kerwin, submitted as aforesaid, be and the same hereby is accepted and the said proposed contract for the installation of tracks in the 180th Street Yard, White Plains Road Line, Route No. 18, be and the same hereby is awarded to said McElroy & Kerwin, subject to its being approved and consented to in form and substance, as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment, in the form now submitted by Counsel, for the consent of said Board and the appropriation of the sum of \$16,000, estimated to be necessary to meet the City's obligations under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment as authorized by the above resolution was as follows:

November 7, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and McElroy & Kerwin, for the installation of tracks in the 180th Street Yard, White Plains Road Line, Route No. 18, together with a requisition upon your Honorable Board for the appropriation of Sixteen thousand dollars (\$16,000), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on November 2, 1923, respectively totalling as follows:

McElroy & Kerwin.....	\$15,285
Slattery Engineering & Construction Company, Inc.....	16,380

The Chief Engineer of this Commission, in a communication dated November 5, 1923, reports that the bid of McElroy & Kerwin, the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract, and the Commission has accepted said bid and awarded said proposed contract to the said McElroy & Kerwin, subject to its being approved and consented to in form and substance, as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Sixteen Thousand Dollars (\$16,000), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligation under said proposed contract, to wit, the sum of Sixteen Thousand Dollars (\$16,000). The sum in addition to the amount of the low bid is being requisitioned for the reason, as reported by the Chief Engineer, as follows:

"This contract provides that City's materials which are not incorporated in the work shall be transported by the Contractor to points within the City of New York, as directed, under the provisions of the extra work clause. The contract also provides that work of changing the line equipment to the extent that it is not covered by the unit prices shall be arranged for by the Contractor with the Interborough Rapid Transit Company in which event the City is obligated to pay the actual net cost plus 5%. To cover these possibilities and unforeseen contingencies an amount somewhat in excess of the net amount of the bid should be requested. I believe the sum of \$16,000, will cover the entire cost of this contract."

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission, and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1546—R. T. 7591

Route No. 70-C—Resolution Directing Request to Board of Estimate and Apportionment for Return of Route and General Plan of Bedford Avenue, Fulton Street and Livingston Street Route—Adopted

The following resolution was adopted:

Whereas, The Transit Commission by resolution adopted May 15, 1923 adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn, in the City of New York, known as the Bedford Avenue, Fulton Street and Livingston Street Route, Route No. 70-C, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment of the City of New York for its consideration, pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time has been extended by resolutions of this Commission to and including thirty days after the 30th day of October, 1923; and

Whereas, The Transit Conference Committee of the Board of Estimate and Apportionment, and the members of this Commission have held several conferences with respect to said route and general plan and in view of the differences in opinion as to the approval of said route and general plan it has been agreed that this Commission would withdraw said route and general plan from a consideration by the Board of Estimate and Apportionment and that at a public hearing to be duly advertised and to be held on November 15, 1923 before the joint committees, the opinion of the general public would be elicited, and after which and upon such findings said route and general plan, or in lieu thereof some other route and general plan would be submitted to the Board of Estimate and Apportionment,

Resolved, That the Secretary of this Commission be and hereby is authorized and directed to request the Board of Estimate and Apportionment of the City of New York to return the said route and general plan of the Bedford Avenue, Fulton Street and Livingston Street Route, Route No. 70-C, to this Commission without taking further action thereon, and without prejudice to this Commission to resubmitting said route and general plan if after said public hearing and consideration it is deemed advisable so to do.

1547—R. T. 7591

Route No. 70-D—Resolution Directing Request to Board of Estimate and Apportionment for Return of Route and General Plan of Bedford Avenue-Brighton Beach Railway Connection—Adopted

The following resolution was adopted:

Whereas, The Transit Commission by resolution adopted May 15, 1923 adopted a route and general plan for a proposed rapid transit railroad in the Borough of Brooklyn, in the City of New York, known as the Bedford Avenue-Brighton Beach Railway Connection, Route No. 70-D, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment of the City of New York for its consideration, pursuant to the provisions of the Rapid Transit Act, which by the provisions of Section 5 thereof requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time has been extended by resolutions of this Commission to and including thirty days after the 30th day of October, 1923; and

Whereas, Said Route No. 70-D is a continuation of Route No. 70-C as to which, by resolution adopted coincidentally herewith, this Commission has, because of the reasons therein more particularly set forth, withdrawn from consideration by the Board of Estimate and Apportionment the said Route No. 70-C and this Commission is of the

opinion that similar action should be taken with respect to 70-D inasmuch as its construction and operation is dependent upon the construction and operation of said Route No. 70-C.

Resolved, That the Secretary of this Commission be and hereby is authorized and directed to request the Board of Estimate and Apportionment of the City of New York to return said route and general plan of the Bedford Avenue-Brighton Beach Railway Connection, Route No. 70-D to this Commission without taking further action thereon, and without prejudice to this Commission resubmitting said route and general plan, if, in the future, it is deemed advisable so to do.

1548—R. T. 7708

Route No. 18, Section No. 2—Form of Contract, Specifications, Invitation to Contractors, etc., for Erection of Fence in 239th Street Yard—Resolution Directing Advertisements for Bids

The following resolution was adopted:

Whereas, Counsel and the Chief Engineer have submitted to this Commission for adoption a proposed Invitation to Contractors, Information for Contractors and Form of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings, for the erection of a fence, etc. in the 239th Street Yard of the White Plains Road Line, Route No. 18,

Resolved, That said Invitation to Contractors, Information for Contractors and Form of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the erection of a fence, etc. in the 239th Street Yard of the White Plains Road Line, Route No. 18, be and the same hereby are approved and adopted and that the said Invitation to Contractors be published in the City Record every day of publication continuously from and including November 8, 1923 to and including November 23, 1923 and on November 14, 1923 and November 21, 1923 in The Evening Telegram and the New York Tribune, daily newspapers published in the City of New York, and that such bids as shall be received shall, on the 23rd day of November, 1923 at eleven-thirty (11:30) o'clock, A. M., or at a later date to be fixed by the Transit Commission, be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

1549—R. T. 5006

Agreement "CI"—Application by Philip J. Healy for Extension of Time withip Which to Complete Contract for Making Test Borings on Sites of Proposed Storage Yards and Extension of Broadway-Fourth Avenue Rapid Transit Railroad in Central Park—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Philip J. Healy, dated October 29, 1923, requesting an extension of time to and including October 8, 1923, within which to complete work under the contract for making test borings on the sites of the proposed Coney Island and Westchester Avenue Yards and along the proposed extension of the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park, Agreement "CI."

A report was presented from the Chief Engineer, dated October 30, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, The Contract dated May 28, 1923, between The City of New York, acting by the Transit Commission and Philip J. Healy, for making borings on the sites of the proposed Coney Island Yard, Borough of Brooklyn, and proposed Westchester Avenue Yard, Borough of The Bronx, and along proposed extensions to the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park between Seventh Avenue and Central Park West, Borough of Manhattan (Agreement "CI") required the completion of all work thereunder on or before the expiration of four (4) months from the date

of the delivery of said contract, which contract was delivered on May 29, 1923, the last day for completion therefor being September 28, 1923; and

Whereas, By communication dated October 27, 1923, said Philip J. Healy made application for an extension of time under said contract to and including October 8, 1923 to complete the work thereunder for the reasons as more particularly set forth in said communication; and

Whereas, The Chief Engineer of this Commission, by communication dated October 30, 1923, has reported that the work called for by the original contract was completed one (1) day in advance of the prescribed time for completion but that during the progress of such work additional property was acquired adjoining the original site for the Coney Island Yard; that the contractor was ordered pursuant to the provisions of said contract to make six (6) additional borings upon the additional site as indicated by First Division Drawing No. 6, File 2 P; that the extension of time applied for is to cover said additional borings and that such is sufficient cause for extending the time of said contract and recommends that the time of the contractor be extended to and including October 8, 1923,

Resolved, That the time of Philip J. Healy within which to complete the work pursuant to the contract as aforesaid be and the same hereby is extended to and including October 8, 1923, provided, however, that this extension of time shall not take effect unless and until it shall be consented to in writing by the sureties upon the bond deposited as security for the faithful performance of said contract.

1550—R. T. 5006

Agreement "CI"—Certificate by Chief Engineer of Completion of Contract for Making Test Borings at Yard Sites and Along Proposed Extension of Broadway-Fourth Avenue Rapid Transit Railroad in Central Park—Report by Chief Engineer Recommending Contractor Be Required to Deposit Certified Check in Sum of \$200 for Rebuilding of Bridge over Hubbards Creek—Resolution Accepting Work and Directing That Certificate Be Filed with Comptroller

The following certificate was approved:

November 3, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Test Borings—Agreement "CI."

In connection with the contract dated May 28, 1923 between the City of New York and Philip J. Healy for borings on the sites of the proposed Coney Island Yard, Borough of Brooklyn, and proposed Westchester Avenue Yard, Borough of The Bronx, and along the proposed extension to the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park between Seventh Avenue and Central Park West, Borough of Manhattan, I hereby certify that all work was completed on October 8, 1923. The total cost of the work was \$4,963.45.

In accordance with the provisions of the contract, all work should have been completed by September 29, 1923. The time for completion, however, was extended to October 8, 1923 by resolution of the Transit Commission adopted on November 7, 1923. As all work was completed within the contract time, as extended, there are no liquidated damages to be assessed.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RINGWAY,
Chief Engineer.

A report was presented from the Chief Engineer dated November 3, 1923, recommending that the contractor be required to deposit a certified check or cash in the sum of \$200 as security for the rebuilding of the foot bridge crossing Hubbards Creek in the Coney Island Yard which was destroyed by the contractor during the progress of the work.

The following resolution was adopted:

Whereas, The contract dated May 28, 1923 between The City of New York, acting by the Transit Commission, and Philip J. Healy, for test borings on the sites of the proposed Coney Island Yard (Borough of Brooklyn) and the proposed Westchester Avenue Yard (Borough of The Bronx), and along the proposed extension to the Broadway-Fourth Avenue Rapid Transit Railroad in Central Park between Seventh Avenue and Central Park West in the Borough of Manhattan, required the completion of all work on or before September 29, 1923, which time was extended to and including October 8, 1923 by resolution of the Transit Commission adopted on November 7, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated November 3, 1923, has reported that all the work required under said contract was in all respects completed on or before October 8, 1923; that the total amount due therefor was \$4,963.45 and recommends that the work so performed be accepted and that a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of the City of New York, provided, however, that as a condition precedent to such certification that the said contractor, Philip J. Healy, be required to deposit with this Commission a certified check or cash, payable to the City of New York in the sum of \$200, to insure the rebuilding of the foot bridge crossing Hubbards Creek in the Coney Island Yard, which was destroyed by the contractor's vehicle while transporting equipment.

Resolved, That the said report and recommendation be and the same hereby is approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of the City of New York, provided, however, that as a condition precedent to the transmission of such certificate to the said Comptroller of the City of New York the said Philip J. Healy shall deposit with this Commission a certified check or cash in the sum of \$200 as security for the rebuilding of the foot bridge crossing Hubbards Creek in the Coney Island Yard destroyed by said contractor's vehicle while transporting equipment, as reported by the Chief Engineer of this Commission in his communication dated November 3, 1923.

1551—R. T. 7513

Routes Nos. 5 & 8—Certificate by Chief Engineer of Completion of Contract, Except Maintenance of Street and Park Surfaces Restored, for Construction of Passageway at Union Square Station—Report by Chief Engineer Recommending That Contractor Be Required to Deposit Certified Check in Sum of \$250 as Security for Repairs to Damaged Tile Work—Resolution Accepting Work and Directing That Certificate Be Filed with Comptroller

The following certificate was approved:

November 5, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Union Square Passageway—Routes 5 & 8

In connection with the contract dated May 17, 1922 between the City of New York and George Colon & Company for the construction of Union Square Passageway connection station, Routes Nos. 5 and 8 of the Broadway-Fourth Avenue and Fourteenth Street-Eastern Rapid Transit Railroads of the City of New York, I hereby certify that all work (except the maintenance of street and park surfaces restored) was completed on August 2, 1923. The total cost of the work was \$53,474.68.

In accordance with the provisions of the contract, all work (except the maintenance of street and park surfaces restored) should have been completed on November 19, 1922. The time for completion, however, was extended to August 2, 1923 by resolution of the Transit Commission adopted on October 30, 1923. As all work (except the maintenance of street and park surfaces restored) was completed within the contract time as extended, there are no liquidated damages to be assessed.

Recommended that the work (except the maintenance of street and park surfaces restored) be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

A report was presented from the Chief Engineer dated November 5, 1923, recommending that the contractor be required to deposit a certified check or cash in the sum of \$250 as security for repairs to damaged tile work.

The following resolution was adopted:

Whereas, The contract dated May 17, 1922 between The City of New York, acting by the Transit Commission, and George Colon & Company, for the construction of Union Square Passageway connecting the stations of the Broadway-Fourth Avenue Line and the Fourteenth Street-Eastern Line, of the Railroad, as described in the contract dated March 19, 1913, known as Contract No. 4, at Union Square, in the Borough of Manhattan, City of New York, required the completion of all work thereunder on or before November 19, 1922, which time was extended to and including August 2, 1923 by resolution of this Commission adopted on October 30, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated November 5, 1923, has reported that all the work (except the maintenance of street and park surfaces restored) was in all respects completed on or before August 2, 1923; that the total amount due therefor was \$53,474.68 and recommends that the work so performed (except the maintenance of street and park surfaces restored) be accepted and that a certificate of such final completion and acceptance (except the maintenance of street and park surfaces restored) be prepared and transmitted to the Comptroller of the City of New York, provided, however, that as a condition precedent to the transmission of said certificate the said George Colon & Company be required to deposit with this Commission a certified check or cash in the sum of \$250, as security for the repair of damage to tile work in connection with the work under said contract,

Resolved, That said report and recommendation be and the same hereby is approved; that the work performed under said contract (except the maintenance of street and park surfaces restored) be and the same hereby is accepted and that a certificate of such final completion and acceptance (except the maintenance of street and park surfaces restored) be prepared and transmitted to the Comptroller of the City of New York, provided, however, that as a condition precedent to the transmission of said certificate to the said Comptroller, the said George Colon & Company shall deposit with this Commission a certified check or cash in the sum of \$250, as security for the repair of damaged tile work occasioned by the performance of the work under said contract, as more particularly reported by the Chief Engineer in his communication of November 5, 1923 with respect thereto.

1552—R. T. 7419

Contracts Nos. 3 and 4—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Furnishing Kalamein Trim on Windows under Contract for Construction of Built-in Newsstand Enclosures—Approval Resolution

A report was presented from the Chief Engineer dated November 3, 1923, recommending the establishment of a supplementary schedule item, as described below.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated March 29, 1923 between the City of New York acting by the Transit Commission and Fox, Reynolds Company, Inc., for the construction of built-in newsstand enclosures on Contracts 3 and 4, subject to the approval of the Commission, agreed with the said contractor on the following schedule item:

Item No. 531-F—For furnishing and installing complete in place kalamein trim on the under side of the steel lintels of the windows of the newsstand enclosures, together with all painting, drilling, tapping, cutting and trimming and patching of tile necessary to the satisfactory completion of this work, at various locations throughout the contract, in accordance with the directions of the Engineer the sum of \$2.00 per lineal foot.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1553—R. T. 6080

Routes Nos. 19 & 22, Section No. 2—Application by Ferdinand Ziemer for Permission to Occupy Premises at No. 1690 Eastchester Road, Borough of The Bronx—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Ferdinand Ziemer dated October 24, 1923, requesting permission to occupy a building and barn on the premises at No. 1690 Eastchester Road, Borough of The Bronx, at a rental of \$20 per month.

A report was presented from the Real Estate Clerk dated October 29, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Ferdinand Ziemer by application dated October 24, 1923, has requested permission to occupy a small frame building and barn on the premises known as 1690 Eastchester Road, Borough of The Bronx, part of property acquired by condemnation on August 21, 1923, for purposes of the Westchester Avenue Line storage yard, agreeing to pay rent at the rate of \$20.00 per month beginning August 21, 1923, to vacate on 15 days' notice and to other conditions of a character usually contained in similar applications; and

Whereas, The Real Estate Clerk, under date of October 29, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application.

1554—R. T. 6080

Routes Nos. 19 & 22, Section No. 2—Application by Sophie T. Strassle and Otilie Strassle, for Permission to Occupy Premises at No. 1686 Eastchester Road, Borough of The Bronx—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Sophie T. Strassle and Otilie Strassle, dated October 27, 1923, requesting permission to occupy the building on the premises at No. 1686 Eastchester Road, Borough of The Bronx, at a rental of \$16.00 per month.

A report was presented from the Real Estate Clerk dated October 29, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Sophie T. Strassle and Otilie Strassle, spinsters, by application dated October 27, 1923, have requested permission to occupy a small frame building on the premises known as 1686 Eastchester Road, Borough of The Bronx, part of property acquired by condemnation on August 21, 1923, for purposes of the Westchester Avenue Line storage yard, agreeing to pay rent at the rate of \$16.00 per month beginning August 21, 1923, to vacate on 15 days' notice and to other conditions of a character usually contained in similar applications; and

Whereas, The Real Estate Clerk, under date of October 29, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application.

1555—R. T. 7112

Route No. 5—Application by Interborough Rapid Transit Company for Approval of Lease of Eight Ducts in Tunnel under Harlem River to New York Telephone Company—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated October 9, 1923, requesting approval of a proposed lease to the New York Telephone Company of eight ducts in the Harlem River Tunnel of the Lexington Avenue Subway for a term of fifteen years at an annual rental of \$1,800 per duct mile.

A report was presented from the Chief Engineer dated November 1, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, The Interborough Rapid Transit Company has by communication dated October 9, 1923, submitted to this Commission for approval a proposed form of lease between it and the New York Telephone Company of eight ducts in the railroad duct lines of the Harlem River Tunnel of the Lexington Avenue Subway from 131st Street and Lexington Avenue, Manhattan, to 135th Street and Park Avenue, The Bronx, for a term of 15 years at an annual rental of \$1,800 per duct mile; and

Whereas, The Chief Engineer of this Commission has by communication dated November 1, 1923, advised that the said ducts are not now needed for the operation of the railroad and probably will not be needed for a considerable length of time and has recommended that said proposed lease be approved,

Resolved, That the said proposed lease of eight ducts in the railroad duct lines of the Harlem River Tunnel of the Lexington Avenue Subway from 131st Street and Lexington Avenue, Manhattan, to 135th Street and Park Avenue, Bronx, for a term of 15 years at an annual rental of \$1,800 per duct mile from the Interborough Rapid Transit Company to New York Telephone Company, be and the same hereby is approved.

1556—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Switching Equipment for Signal System for Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 17, 1923, requesting approval of a proposed purchasing agent's order directed to the General Electric Company for switching equipment for signal feeders of the Fourteenth Street-Eastern Line at a cost of \$2,400.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 30, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated October 17, 1923, submitted for the approval

of this Commission, proposed purchasing agent's order dated October 16, 1923, directed to General Electric Company, for the following:

2-Pole, Single Throw, 15,000 Volts, 500 Amps. Oil Circuit Breakers, Cell mounting, complete with motor or solenoid operating mechanism operating over a range from 75 to 150 volts D. C., safety and auxiliary switches, cell top, asbestos lumber doors with fittings, all necessary nuts, insulators, and terminals for 250,000 c.m. cable per pole, hand closing lever, and sufficient oil furnished separately

\$1,200.00 Each Delivered

The breakers shall be used on 11,000 volt service supplied from buses protected by the reactance of the transformers of the rotaries and by 3½% reactance, based on 350 amp. per cable, at the power station on the feeders connected to the bus.

These circuit breakers shall be capable of opening twice under short circuit conditions and shall be in a condition to be closed and carry rated current until the necessary repairs and adjustments can be made. These breakers must be suitable for installation in existing cell at the South 6th Street Sub-Station.

; which proposed purchasing agent's order has been caused to be designated as "Approval No. 378"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated October 30, 1923, have reported that the apparatus is necessary as part of the signal equipment and will be installed in the South 6th Street Substation and recommend that the order be placed with the General Electric Company because the parts manufactured by said company are of standard dimensions; that all the switching apparatus now in this station is of General Electric manufacture and it is desirable to have one type in order to facilitate repairs and reduce the number of spare parts necessary; that the following bids were received for such material:

General Electric \$2400.00

Westinghouse Electric & Mfg. Co. 2086.90

and recommend that the said proposed purchasing agent's order so submitted be approved; and

Whereas, By endorsement dated November 2, 1923, the Auditor of Rapid Transit Costs has recommended that the cost under said proposed purchasing agent's order be classified as Equipment of the Railroad as defined in said Contract No. 4.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such work to be classified as Equipment of the Railroad, as defined in said Contract No. 4.

1557—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Signal Transmission Lines for Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 20, 1923, requesting approval of a proposed purchasing agent's order directed to James Sugden Company, for furnishing and installing signal transmission lines for the Fourteenth Street-Eastern Line, at a cost of \$23,816.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated October 31, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District,

and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated October 20, 1923, submitted for the approval of this Commission, proposed purchasing agent's order dated October 20, 1923, directed to James Sugden Company, for the following:

Furnish and install 2200 volt Signal Transmission Lines, 14th Street-Eastern Line, between 6th Ave. Manhattan & Grand St. Brooklyn, and branch connections to I. R. T. 19th St. Sub-Station, No. 12, and South 6th St. Substation, in accordance with Specifications dated Aug. 25, 1923, and Plan C-1458, dated June 22nd, 1923 at the following unit prices:

Estimated Quantities

99,000 Lin. Ft. No. 6 AWG Wire.....	23.4¢ Foot
2,500 Lbs. Brackets, Clamps, etc.....	20¢ Lb.
500 Insulators	30¢ Ea.

Payment will be made to the Contractor on the 20th day of each month for 90% of the Engineer's Estimated value of the work performed during the preceding month, provided the contractor is making satisfactory progress. Balance due will be paid within thirty (30) days after completion and acceptance of the work by our Engineer.

; which proposed purchasing agent's order has been caused to be designated as "Approval No. 377"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated October 31, 1923, have reported that said James Sugden Company, the lowest bidder, is fully competent to perform the work, that the approximate cost for such work is \$23,816; that the following bids were received for such work:

James Sugden Co.....	Approximately \$23,816
B. T. and J. J. Mack.....	Approximately 24,960
Seymour Construction Co.....	Approximately 28,970
Standard Underground Cable Co.....	Approximately 29,541
Okonite Co.	Did not quote
Hazard Mfg. Co.....	Did not quote
Federal Construction and Engineering Co.....	Did not quote

that such work includes the furnishing and installation of two high tension signal transmission cables on each side of subway portion of the 14th St.-Eastern Line; that these cables are necessary to provide normal and emergency power supply for the operation of the signal and interlocking system of this subway and recommend the approval of same; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated November 2, 1923, has recommended that such work be classified as Equipment of the Railroad,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such work to be classified as recommended by the Auditor of Rapid Transit Costs as Equipment of the Railroad.

1558—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Passimeters on Stations of Fourteenth Street-Eastern Line and Union Square Station of Broadway Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 19, 1923, requesting approval of proposed purchasing agent's order directed to Harris H. Uris Iron Works, Inc., for furnishing and installing automatic

passimeters at the stations of the Fourteenth Street-Eastern Line and the Union Square station of the Broadway Line at a total cost of \$15,008.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer, dated October 31, 1923, recommending approval, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work for the Union Square Station as Additional Equipment for the Railroad to be performed under Work Order MBA-14, and the work for the Fourteenth Street-Eastern Line as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated October 19, 1923, submitted for the approval of this Commission, proposed purchasing agent's order dated October 19, 1923, directed to Harris H. Uris Iron Works, Inc., for the following:

"Furnish labor, material, etc., necessary to install improved Control Facilities, consisting generally of the installation of automatic prepayment passimeters; the furnishing and installing of prepayment entrance and exit turnstiles, passimeter guards and railings, high railings, grills, etc., at the following locations, as called for in our specifications dated September 13, 1923, and as indicated upon drawings referred to therein, for the respective lump sum prices, indicated:

14th Street-Eastern Line:

Sixth Avenue Station	\$2,171.00
Union Square Station	1,565.00
3d Avenue Station	1,479.00
First Avenue Station	990.00
Bedford Avenue Station	1,313.00
Graham Avenue Station	1,275.00
Lorimer Street Station	2,620.00
Grand Street Station	1,264.00

Broadway Subway:

Union Square Station	2,331.00
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Payment will be made on the 20th day of each month for 90% of the value of the work performed during the preceding month. Final payment will be made thirty (30) days after completion and acceptance of the work by our Engineer."

; which proposed purchasing agent's order has been caused to be designated as "Approval 375"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated October 31, 1923, have reported that the total cost for such work is \$15,008, to be divided \$12,677 for the 14th Street-Eastern Line and \$2,331 for the Broadway-Fourth Avenue Line; that the following bids were received for such work:

H. H. Uris Iron Works	\$15,008.00
Whale Creek Iron Works	17,602.00
J. Cutter Iron Works	17,760.00
Albee and G. Co., Inc.	20,450.00
Vulcan Rail & C. Co.	24,180.00

that such work includes the installation of low type automatic turnstiles, the furnishing and installing of one high type turnstile, railings, folding and swinging gates, signs and metal enclosures in the ticket booths, but does not include furnishing the automatic turnstiles; that the plans have been approved by the Chief Engineer and the specifications are satisfactory; that the cost is reasonable, and recommend the approval of said proposed purchasing agent's order; and

Whereas, By endorsement dated October 31, 1923, the Auditor of Rapid Transit Costs, has recommended that the cost under said proposed purchasing agent's order be classified as follows:

Additional Equipment for The Railroad under Work Order Number MBA-14 heretofore assigned: Turnstiles for Union Square Station—Broadway Subway	\$2,331.00
Equipment of The Railroad, Turnstiles for the 14th Street-Eastern Line	12,677.00

Resolved, That said report and recommendations be and the same hereby are approved, that the said proposed purchasing agent's order so submitted be and the same hereby is approved and the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such work to be classified as recommended by the Auditor of Rapid Transit Costs as hereinbefore more particularly indicated.

1559—R. T. 7591

Route No. 70—Report by Chief Engineer Recommending Approval of Construction of Only One Emergency Footwalk for Brooklyn Crosstown Route—Approved

A report was presented from the Chief Engineer dated October 30, 1923, recommending approval of the construction of only one emergency footwalk for the Brooklyn Crosstown Route, Route No. 70, and that the footwalk be constructed on the westerly side of the subway.

Upon motion duly seconded and adopted the report and recommendation were approved.

1560—R. T. 6595

Contract No. 4—Statements from New York Rapid Transit Corporation of Results of Operation for Month of September, 1923, and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

The Commission referred to the Chief Accountant a communication dated November 5, 1923, from the New York Rapid Transit Corporation by Howard Abel, Comptroller, submitting statements of the results of operation for the month of September, 1923, for the period from August 4, 1913, to September 30, 1923, and the status of the Maintenance and Depreciation Funds under Contract No. 4.

1561—Case 2670

The Long Island Railroad Company et al.—Application of The City of New York for Determination as to Manner in Which Sixth Avenue between 63rd and 64th Streets, Brooklyn, Shall Cross Companies' Tracks—Report and Opinion Approved—Final Order and Determination Adopted

The Secretary presented a report and opinion, dated October 30, 1923, in Case No. 2670, by George L. Lucas, Acting Chief Executive Officer, recommending that Sixth Avenue between 63rd and 64th Streets, in the Borough of Brooklyn, should be carried across the tracks of The Long Island Railroad Company and the New York Consolidated Railroad Company, upon an overhead bridge and that pending the report on the investigation of the Foster Avenue sewer in connection with the improvement, the proceeding be adjourned subject to the call of the Commission.

Thereupon the above mentioned Report and Opinion in Case No. 2670, was approved and an Order adopted and ordered filed in the following form:

Present:

GEORGE McANENY, Chairman,	} Commissioners.
LEROY T. HARKNESS,	

IN THE MATTER
of the

Application of the BOARD OF ESTIMATE AND APPORTIONMENT OF THE CITY OF NEW YORK, for a determination as to the method by which 6th Avenue between 63rd and 64th Streets, in the Borough of Brooklyn, should be carried across the tracks of the New York Consolidated Railroad Company and THE LONG ISLAND RAILROAD COMPANY.

Case No. 2670.
FINAL ORDER AND DETERMINATION.

The Board of Estimate and Apportionment of the City of New York, having by resolution, dated January 5, 1923, established the lines and grades of 6th Avenue between 63rd and 64th Streets, in the Borough of Brooklyn, across the tracks of the New York Consolidated Railroad Company, now the New York Rapid Transit Corporation, and The Long Island Railroad Company, and having by resolution dated January 5, 1923, made application to the Commission for a determination as to the method by which 6th Avenue between 63rd and 64th Streets, in the Borough of Brooklyn, shall be carried across the tracks of said railroad companies; and the Transit Commission having on the 23rd day of January, 1923, adopted an order directing that a hearing on said application be held on the 24th day of October, 1923, and having designated and certified George L. Lucas, Acting Chief Executive Officer, to conduct said hearing, and the same having been held before said George L. Lucas, on the 24th day of October, 1923, and he having made his report, dated October 30, 1923, and the said report having been approved and adopted by the Commission on November 7, 1923, it is

Ordered and Determined, That Sixth Avenue between 63rd and 64th Streets, in the Borough of Brooklyn, should be carried across the tracks of the New York Consolidated Railroad Company, now the New York Rapid Transit Corporation, and The Long Island Railroad Company, in the Borough of Brooklyn, upon an overhead bridge to be constructed by the railroad companies, substantially in accordance with the dimensions, grades and clearances shown upon the map offered in evidence in this proceeding as Exhibit 9, and described as "Map showing the location and laying out of 6th Avenue, etc.," dated November 10, 1919, and it is further provided that detail plans and specifications shall not be prepared until the results of the investigation by The Long Island Railroad Company as to the condition of the Foster Avenue sewer are known and ascertained.

Further Ordered, That the actual work of construction should be done by the railroad companies, that detailed plans and specifications thereof be submitted for the approval of the Commission and that contracts, if any, similarly submitted, and the division of expense and reconstruction to be reserved for determination by the Commission upon the accounting or accountings provided by the Grade Crossing Act.

Further Ordered, That the New York Rapid Transit Corporation and The Long Island Railroad Company shall notify the Commission within five (5) days after the receipt of a certified copy of this Order whether the terms thereof are accepted and will be obeyed.

Further Ordered, That this Order take effect at once.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

1562—Case 2689

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which 14th Avenue between 61st and 62nd Streets, in the Borough of Brooklyn, Should Cross Company's Tracks—Hearing Order Adopted

The Secretary presented a communication, dated October 25, 1923, from James Matthews, Assistant Secretary, Board of Estimate and Apportionment, transmitting

certified copies of two resolutions adopted by the Board of Estimate and Apportionment on September 21, 1923, establishing the lines and grades of 14th Avenue between 61st and 62nd Streets, in the Borough of Brooklyn, and requesting the Commission to determine the manner in which 14th Avenue should be carried across the right of way of The Long Island Railroad Company, together with a map adopted by the Board showing the changes.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2689, directing a hearing with respect to the above matter at a date to be fixed by George L. Lucas, Acting Chief Executive Officer, who was designated and authorized pursuant to Sections 8 and 11 of the Public Service Commission Law to take the testimony therein and report same to the Commission for its decision and determination.

1563—Case 2690

Nassau Bus Line, Inc.—Form of Annual Report—Extension Order Adopted

The Secretary presented a communication, dated October 29, 1923, from the Nassau Bus Line, Inc., requesting an extension of time of sixty days in which to file its annual report pursuant to the Filing Order in Case No. 2690.

The Secretary also presented a report, dated November 1, 1923, by H. S. Fischer, Statistician, approved by the Chief, Bureau of Accounting and Valuations, recommending an extension of time to November 29, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, granting an extension of time to and including November 29, 1923.

1564—Case 1301

Railroad Corporations—Inspection of Steam Locomotives—Application of Procter & Gamble Manufacturing Company for Extension of Time to Remove Flues—Extension Order Adopted

The Secretary presented a communication, dated October 17, 1923, from J. H. Lewis, Master Mechanic, Procter & Gamble Manufacturing Company, requesting an extension of time for the removal of flues from its Locomotive No. 121.

The Secretary also presented a report, dated October 23, 1923, by A. J. O'Neil, Locomotive Boiler Inspector, approved by W. L. Selmer, Acting Chief, Bureau of Railroad Inspection, recommending an extension of time to March 31, 1924.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1301, granting the desired extension of time to March 31, 1924.

1565—Case 1402

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which Ashland Street, in the Borough of Queens, Shall Cross Tracks of New York and Rockaway Beach Division—Order Reopening Case and Directing Hearing Adopted

The Commission adopted and ordered filed an Order in Case No. 1402, in the following form:

Present:

GEORGE McANENY, Chairman,	} Commissioners.
LEROY T. HARKNESS,	

IN THE MATTER
of the

Application of THE CITY OF NEW YORK relative to opening across the tracks of the New York and Rockaway Beach Division of THE LONG ISLAND RAILROAD COMPANY, Ashland Street, in the Fourth Ward, Borough of Queens, City of New York.

CASE No. 1402.
HEARING ORDER.

The Public Service Commission of the State of New York for the First District, having on the 24th day of November, 1911, made an order and determination as to the manner of carrying Ashland Street across the tracks of the New York and Rockaway Beach Division of the Long Island Railroad Company; and it appearing that no construction has been commenced by said railroad company in pursuance of said order and it further appearing that there is or may be necessity for action to require the construction provided in said order, and the Commission desiring in this connection to be advised as to any change in the facts and circumstances affecting the said crossing and as to the necessity of any amendment, alteration or abrogation or other action concerning said order and determination, and to that end to reopen this proceeding.

Now, Therefore, It is hereby

Ordered, That this proceeding be and hereby is reopened, and that a hearing herein be held before the Commission at its hearing room, No. 49 Lafayette Street, in the Borough of Manhattan, City of New York, on the 26th day of November, 1923 at 10 o'clock in the forenoon.

Further Ordered, That at least ten (10) days' notice of the hearing be given to the Long Island Railroad Company, The City of New York and to the owners of the land adjoining the location of said crossing and other parties who appeared upon the original hearing herein, by service upon them of a certified copy of this order, in the manner provided by Section 23 of the Public Service Commission Law.

Further Ordered and Certified, That George L. Lucas, Acting Chief Executive Officer be and he hereby is, pursuant to Sections 8 and 11 of the Public Service Commission Law, authorized and designated to conduct said hearing, to take the testimony therein and report the same to the Commission for its decision and determination.

BY THE COMMISSION,
JAMES B. WALKER,
Secretary.

1566—Case 1567

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which Lambertville Avenue Shall Be Extended over Tracks of Montauk Division—Order Reopening Case and Directing Hearing Adopted

The Commission adopted and ordered filed an Order in Case No. 1567, in the following form:

Present :

GEORGE McANENY,
Chairman, } Commissioners.
LEROY T. HARKNESS, }

IN THE MATTER

of the

Application of THE CITY OF NEW YORK relative to opening Lambertville Avenue from Sutphin Road to Merrick Road in the Fourth Ward, Borough of Queens, City of New York, across the tracks of the Montauk Division of THE LONG ISLAND RAILROAD COMPANY.

Case No. 1567.

HEARING ORDER

The Public Service Commission of the State of New York for the First District, having on the 19th day of November, 1912, made an order and determination as to the manner of carrying Lambertville Avenue from Sutphin Road to Merrick Road in the Fourth Ward, Borough of Queens, across the tracks of the Montauk Division of The Long Island Railroad Company; and it appearing that no construction has been commenced by said railroad company in pursuance of said order, and it further appearing that there is or may be necessity for action to require the construction provided in said order, and the Commission desiring in this connection to be advised as to any change in the facts and circumstances affecting the said crossing and as to the necessity of any amendment, alteration or abrogation or other action concerning said order and determination, and to that end to reopen this proceeding;

Now, Therefore, it is hereby

Ordered, That this proceeding be and hereby is reopened, and that a hearing herein be held before the Commission at its hearing room, No. 49 Lafayette Street, in the Borough of Manhattan, City of New York, on the 26th day of November, 1923 at 10:30 o'clock in the forenoon.

Further Ordered, That at least ten (10) days' notice of the hearing be given to The Long Island Railroad Company, The City of New York, and to the owners of the land adjoining the location of said crossing and other parties who appeared upon the original hearing herein, by service upon them of a certified copy of this order, in the manner provided by Section 23 of the Public Service Commission Law.

Further Ordered and Certified, That George L. Lucas, Acting Chief Executive Officer be and he hereby is, pursuant to Sections 8 and 11 of the Public Service Commission Law, authorized and designated to conduct said hearing, to take the testimony therein and report the same to the Commission for its decision and determination.

By the COMMISSION,

JAMES B. WALKER,

Secretary.

1567—Case 2082

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which 195th Street (Catskill Avenue) from Atlantic Avenue (99th Avenue) to Sagamore Avenue (98th Avenue) Shall Be Extended over Company's Tracks—Order Reopening Case and Directing Hearing Adopted

The Commission adopted and ordered filed an Order in Case No. 2082, in the following form:

Present:

GEORGE McANENY,
Chairman, } Commissioners.
LEROY T. HARKNESS, }

IN THE MATTER
of the

Application of THE CITY OF NEW YORK for a determination as to the manner in which the following street shall be extended across the tracks of THE LONG ISLAND RAILROAD COMPANY in the Fourth Ward of the Borough of Queens, 195th Street (Catskill Avenue) from Atlantic Avenue (99th Avenue) to Sagamore Avenue (98th Avenue).

Case No. 2082.
HEARING ORDER.

The Public Service Commission of the State of New York for the First District, having on the 9th day of June, 1916 made an order and determination as to the manner of carrying 195th Street (Catskill Avenue) from Atlantic Avenue (99th Avenue) to Sagamore Avenue (98th Avenue) across the tracks of the Long Island Railroad Company in the Fourth Ward of the Borough of Queens; and it appearing that no construction has been commenced by said railroad company in pursuance of said order, and it further appearing that there is or may be necessity for action to require the construction provided in said order, and the Commission desiring in this connection to be advised as to any change in the facts and circumstances affecting the said crossing and as to the necessity of any amendment, alteration or abrogation or other action concerning said order and determination, and to that end to reopen this proceeding,

Now, Therefore, it is hereby

Ordered, That this proceeding be and hereby is reopened, and that a hearing herein be held before the Commission at its hearing room, No. 49 Lafayette Street, in the Borough of Manhattan, City of New York, on the 26th day of November, 1923 at 11 o'clock in the forenoon.

Further Ordered, That at least ten (10) days' notice of the hearing be given to the Long Island Railroad Company, The City of New York and to the owners of the land adjoining the location of said crossing and other parties who appeared upon the original hearing herein, by service upon them of a certified copy of this order, in the manner provided by Section 23 of the Public Service Commission Law.

Further Ordered and Certified, That George L. Lucas, Acting Chief Executive Officer, be and he hereby is, pursuant to Sections 8 and 11 of the Public Service Commission Law, authorized and designated to conduct said hearing, to take the testimony therein and report the same to the Commission for its decision and determination.

BY THE COMMISSION,
JAMES B. WALNER,
Secretary.

1568—Case 2703

The New York Central Railroad Company—Application for Determination as to Manner in Which Certain Streets Shall Cross Company's Tracks on West Side of Manhattan from St. Johns Park to Harlem Ship Canal—Communication from Company Transmitting Petition—Reply by Chairman—Referred to Committee of Whole

The Secretary presented a communication, dated November 1, 1923, from Ira A. Place, Vice-President of The New York Central Railroad Company, reading as follows:

Hon. GEORGE McANENY,
Chairman, TRANSIT COMMISSION,
49 Lafayette Street,
New York, N. Y.

Dear Sir:

We are sending to you herewith original petition with Exhibit "A" "In the Matter of The Petition of The New York Central Railroad Company, for an Order of the

Transit Commission determining the elimination of certain street crossings by its railroad at grade on the West Side of Manhattan Island, from the southerly terminus of said railroad at St. Johns Park, to the Harlem Ship Canal, formerly Spuyten Duyvil Creek."

I am also sending you five copies of these documents as required by your rules. I am also sending to you for your information copy of petition with portfolio or Atlas mentioned in Paragraph Sixth "In The Matter of The Application of The New York Central Railroad Company, for an Order of the Commission, prescribing the location, elevation, size, kind and construction of poles, wires, safety devices, conduits and all erections, buildings, fixtures, appurtenances and equipment to be used in electrification, maintenance and operation of its railroads within the limits of the City of New York, pursuant to the provisions of Section 53-a of the Public Service Commission Law."

If additional copies are required for the convenience of the Commissioners we shall be glad to furnish them at any time.

Yours truly,
IRA A. PLACE.

The Secretary also presented the petition, verified October 9, 1923, of The New York Central Railroad Company, transmitted with Mr. Place's letter, together with a copy of reply, dated November 3, 1923, by Chairman McAneny, reading as follows:

Mr. IRA A. PLACE, Vice-President,
NEW YORK CENTRAL LINES,
New York Central Building,
466 Lexington Avenue,
New York City.

Dear Sir:

The Transit Commission is in receipt of your letter of the first instant, transmitting the petition of the New York Central Railroad Company for an order determining the elimination of certain street crossings at grade upon your Company's line on the west side of Manhattan Island, together with certain illustrative maps and drawings.

The Commission has also received copies, to which your letter refers, of a petition submitted by your Company to the Public Service Commission in the matter of proposed changes and improvements to be undertaken pursuant to the provisions of Section 53-A of the Public Service Commission Law.

In the matter of the proposed elimination of grade crossings, the Commission has referred both your petition and the accompanying maps, etc., to its Chief Engineer for examination and preliminary report, which probably will be within a week, I shall be glad to advise you of the procedure the Commission will take with relation to the petition itself, and I remain, meanwhile,

Very sincerely yours,
GEORGE McANENY,
Chairman.

Thereupon the above mentioned papers were referred to the Committee of the Whole.

1569

**Manhattan Railway Company and Interborough Rapid Transit Company, Lessee
—Elevated Tracks and Stairway in East 42nd Street, Manhattan—Resolution
of Board of Estimate and Apportionment Directing Removal—Filed**

The Secretary presented a communication, dated October 22, 1923, from James Matthews, Assistant Secretary of Board of Estimate and Apportionment, transmitting certified copies of two resolutions adopted by the Board on October 19, 1923, providing for (A) the removal of stairway leading from the northerly sidewalk to the station of the elevated railroad structure in East 42nd Street, Borough of Manhattan, and (B) relocation of columns supporting elevated structure in East 42nd Street, together with said resolutions.

Thereupon the above mentioned papers were ordered filed.

1570—R. T. 7345, 7489

Routes Nos. 48 and 12—Communication from Commissioners of Sinking Fund Referring Back Request for Approval of Sale of Property at Southwesterly Corner of Beekman and William Streets, Manhattan, and Southwesterly Corner of St. Felix and Fulton Streets, Brooklyn—Referred to Counsel

The following communication from the Commissioners of the Sinking Fund was referred to Counsel:

November 1, 1923.

Mr. JAMES B. WALKER,
Secretary, TRANSIT COMMISSION,
49 Lafayette Street,
N. Y. City.

Dear Sir:

At a meeting of the Commissioners of the Sinking Fund held this day, your communication requesting approval of the sale at public auction of parcels of land situated at the southwesterly corner of Beekman and William Streets, Manhattan, and the southwesterly corner of St. Felix and Fulton Streets, Borough of Brooklyn, were referred back to you with a suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter may again be submitted to the Commissioners of the Sinking Fund for their approval.

Very truly yours,

P. A. WHITNEY,
Assistant Deputy Comptroller.

1571—R. T. 7389

Contract No. 3—Consents of Sureties and National Bank of Brooklyn to Assignment of \$26,786.17 under Contract for Construction of Foundations for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Filed

The Commission ordered filed consents of the sureties upon the bond deposited by the contractor and the National Bank of Brooklyn to an assignment by Rosenthal Engineering Contracting Company, Inc. of the sum of \$26,786.17 of moneys retained by the City under the contract for the construction of foundations for the Third Addition to Shops at the Lenox Avenue and 148th Street Yard.

1572—R. T. 7457

Route No. 18, Section No. 1—Consents of Sureties and National Bank of Brooklyn to Assignment of \$23,608.56 under Contract for Construction of Enclosure to Inspection Shed at 180th Street Yard—Filed

The Commission ordered filed consents of the sureties upon the bond deposited by the contractor and the National Bank of Brooklyn to an assignment by Rosenthal Engineering Contracting Company, Inc. of the sum of \$23,608.56 of moneys retained by the City under the contract for the construction of an enclosure to the inspection shed at the 180th Street Yard.

1573—R. T. 7681

Contract No. 3—Notice by Chief Engineer of Commencement of Work for Construction of Enclosures of Third Addition to Shops at Lenox Avenue and 148th Street Yard—Filed

The Commission ordered filed a notice from the Chief Engineer dated October 29, 1923, advising of the commencement of work on October 18, 1923, by D. C. Serber,

for the construction of enclosures of the Third Addition to Shops at the Lenox Avenue and 148th Street Yard.

1574—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Transmitting a List of Sub-contractors Approved during the Month of September, 1923—Filed

The following report was ordered filed:

October 29, 1923.

TO TRANSIT COMMISSION:

List of Sub-Contracts.

I submit, as follows, a list of sub-contracts, approved by this Department during the month of September, including also approval given under date of August 29th, which latter approval was omitted in list of sub-contracts approved submitted with my letter of September 10th, ult.

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
148th St. & Lenox Ave. Yard, Second Addition to Shops.		Jacob Schlesinger, Inc.	Fordham Cornice Works	8/29/23	Roofing
33 Sec. 3	Completion of Lawrence St. Station.	Frederick L. Cranford, Inc.	Colonial Works	9/ 7/23	Furnishing three barrels of paint.
36 & 37, Sec. 1	Installing Switch-back track, Queens Plaza.	B. T. & J. J. Mack, Inc.	I. R. T. Co.	9/28/23	Track Work and Third Rail changes under Items 6, 7, 8 & 9 of Contract.
52	3	Oakdale Contracting Co., Inc.	Barber Asphalt Co.	9/21/23	Asphalt and treated Woven Fabric. T. C. inspected.
52	3	Oakdale Contracting Co., Inc.	John Fox & Co.	9/27/23	Class "B" pipe instead of Class "A" pipe for use in track drainage. T. C. inspected.
Agreement "EZ"—Making changes in steel work at Easterly Approach to Queensboro Plaza Station.		Jobson-Gifford Co.	G. Urdi	9/14/23	Furnishing and applying field paint to structural steel work.
Agreement "CM"—Reconstructing retaining wall at North Jane St., Queens Borough.		Hamme & Jackson, Inc.	Igoe Brothers	9/15/23	Steel reinforcing bars.
Agreement "CM"—Reconstructing retaining wall at North Jane St., Queens Borough.		Hamme & Jackson, Inc.	H. H. Anthony	9/22/23	Lehigh Portland Cement. T. C. Inspected.
			Frank J. Clancy	9/22/23	Sand and gravel. T. C. inspected.
Second Addition to Shops, 148th St. & Lenox Ave. Yard.		Jacob Schlesinger, Inc.	Southern Wood Preserving Co.	9/ 6/23	Wood paving blocks. T. C. inspected.
Structural Steel, Third Addition to Shops, Lenox Ave. & 148th St. Yard.		McClintic-Marshall Company	Donnell-Zane Co.	9/18/23	Friction of steel work.
			Donnell-Zane Co.	9/18/23	Work of field painting sub-letted to G. Urdi Co.

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
Additional Approach Track, 148th St. & Lenox Ave. Yard.		Slattery Engineering & Const. Co.	Central Structural Steel Co.	9/27/23	Furnishing five structural steel beams. T. C. in- spected.

ROBT. RIDGWAY,
Chief Engineer.

1575—R. T. 6761

**Contract No. 3—Communication from Interborough Rapid Transit Company
Transmitting Copy of Contract for Travelling Crane for Substation No. 27—
Filed**

The Commission ordered filed a communication from the Interborough Rapid Transit Company, dated November 5, 1923, transmitting a copy of a contract dated April 13, 1923, with the Northern Engineering Works for the manufacture and erection of one thirty ton travelling crane for Substation No. 27.

1576

Employees' Calendar No. 174

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Thomas Berry, inspector of equipment, at \$125.08 per month, to take effect November 7, 1923; Maurice Friedlander, engineering inspector, at \$150.08 per month, to take effect November 1, 1923; Isabella R. Reilly, stenographer, at \$90.00 per month, to take effect November 1, 1923.

Resignations—Max Nachamis, stenographer, at \$90.00 per month, to take effect November 7, 1923; Bernard J. Sullivan, junior assistant, at \$125.08 per month, to take effect November 7, 1923.

Change of Item in Resolution of 10/30/23 concerning Joseph I. Garfunkel so as to Read as Follows: (Resignation)—Joseph I. Garfunkel, draftsman, at \$175.08 per month, to take effect October 31, 1923.

Change of Item in Resolution of 10/30/23 concerning Maurice Friedlander so as to Read as Follows: (Termination of Appointment under Rule VIII:4)—Maurice Friedlander, engineering inspector, at \$150.08 per month, to take effect October 31, 1923.

Rescission of Appointment under Rule VIII:9—Maurice Friedlander, engineering inspector, at \$150.08 per month, to take effect November 5, 1923.

Leave of Absence with Pay—Adolph R. Bergbom, file clerk, from October 1, 1923 to October 2, 1923.

1577

Voucher Schedule No. 46

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct.

Vouchers Nos. 1015-1018, open market orders \$118.89; Vouchers Nos. 540-542, miscellaneous bills, \$2,314.05; Voucher No. SO-1 (D1878) Contract No. 7175, J. B. Lyon Co., \$3,552.29.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Railroads for the Periods Indicated Below:

- Voucher No. 286; Interborough Rapid Transit Company, approximate estimate No. 4 for remedying the leaky conditions of the mezzanine roofs of 8 stations on the Jerome Avenue and 5 Stations of the White Plains Road Lines, from June 1, 1923 to August 31, 1923 (R. T. 7494) \$4,191.77;
- Voucher No. 287; Fox Reynolds Co., Inc.; approximate estimate No. 6, for the completion of newsstand enclosures at stations of the rapid transit railroads, under Contracts Nos. 3 and 4, from September 26, 1923 to October 25, 1923 (R. T. 7419) \$5,919.30;
- Voucher No. 288; Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 8 for the construction of foundations for third addition to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from September 21, 1923 to October 20, 1923 (R. T. 7589) \$11,115.14;
- Voucher No. 289; Station Finish Corporation, Assignee; approximate estimate No. 15 for the construction of station finish on Sections Nos. 3, 4, and 5 of Route No. 8 of the Fourteenth Street-Eastern Line, from October 1, 1923 to October 31, 1923 (R. T. 7516) \$2,037.13;
- Voucher No. 290; Michael DelBalso; approximate estimate No. 10, for the installation of tracks, including the furnishing of part of the track materials and the construction of drainage system and concrete inspection pits, for a portion of Route No. 18, 239th Street Yard, from October 1, 1923 to October 31, 1923 (R. T. 7528) \$6,794.92;
- Voucher No. 291; Brooklyn-Manhattan Transit Corporation, approximate estimate No. 1 and final for raising track at Whitehall Street station of the Broadway-Fourth Avenue Line, from September 1, 1923 to September 30, 1923 (R. T. 7086) \$375.73;
- Voucher No. 292; New York Rapid Transit Corporation; approximate estimate No. 7 for lengthening platform at the Canal Street station of the Centre Street Loop, from September 1 to September 30, 1923 (R. T. 7431) \$2,901.72;
- Voucher No. 293; Frederick L. Cranford, Inc.; approximate estimate No. 16 for the reconstruction of a part of Section 3 of Route No. 33, Completion of Lawrence Street station, from October 1, to October 31, 1923 (R. T. 7454) \$11,122.26;
- Voucher No. 294; Hamme & Jackson, Inc.; approximate estimate No. 3 for reconstruction of retaining wall on both sides of 60th Street Tunnel, at North Jane Street, Borough of Queens, from October 1, to October 31, 1923 (R. T. 7522) \$4,665.06;
- Voucher No. 295; Philip J. Healy, Final estimate for making test borings in the proposed Coney Island Line in the Borough of Brooklyn; in the proposed Westchester Line in the Borough of The Bronx, and along the proposed extension of the Broadway-Fourth Avenue Line in Central Park, Borough of Manhattan, Agreement "CI," to October 8, 1923 (R. T. 5006) \$734.45;
- Voucher No. 296; George Colon & Company; final estimate for the construction of Union Square Connection station, Routes Nos. 5 and 8 of the Broadway-Fourth Avenue and Fourteenth Street-Eastern Lines, to August 2, 1923 (R. T. 7513) \$5,595.67;
- Voucher No. 297; Fox, Reynolds Co., Inc.; approximate estimate No. 5 for the excavation and the construction of a retaining wall at the Lenox Avenue and 148th Street Yard, from October 1, 1923 to October 31, 1923 (R. T. 7642) \$8,090.55.

JAMES B. WALKER,

Secretary.

Proceedings for Friday, November 9, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.
The following matter was presented and action taken as noted:

1578—R. T. 7706

Agreement "CU"—Receipt of Bids for Construction of Signal Tower at 239th Street Yard—Referred to Chief Engineer

Commissioner Harkness stated that the time within which to receive bids for the construction of a signal tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Agreement "CU," had elapsed at 11:30 A. M., and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received.

The Secretary presented the proper affidavits of publication and opened the box and read the three bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, November 12, 1923

1579

Hearing

The following hearing was adjourned:

11:00 A. M.; R. T. 4007—Lengthening of platforms at local stations—Contract No. 1—Adjourned to November 26, 1923, at 11:00 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, November 13, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1580—R. T. 7703

Route No. 16—Receipt of Bids for Installation of Tracks in Jerome Avenue Yard—Referred to Chief Engineer

The Secretary stated that the time within which to receive bids for the installation of tracks for a part of the Jerome Avenue Yard, Route No. 16, had elapsed at 11:30 A. M., and directed the Assistant Secretary to open the sealed box which

had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and the Assistant Secretary opened the box and read the five bids received. The bids were then referred to the Chief Engineer.

1581—R. T. 7703

Route No. 16—Resolution Authorizing Release of Checks to All Except Lowest Bidder for Installation of Tracks in Part of Jerome Avenue Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on November 13, 1923, for the installation of tracks for a part of the Jerome Avenue Yard, the Secretary be, and he hereby is authorized and directed to return to all except the lowest bidder, the certified checks in the sum of Two Thousand (\$2,000) Dollars each, deposited with their bids.

1582—R. T. 7706

Agreement "CU"—Resolution Authorizing Release of Checks to All But Lowest Bidder for Construction of Signal Tower in 239th Street Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer, as to the bids received on November 9, 1923, for the Construction of a Signal Tower in the 239th Street Yard, of the White Plains Road Rapid Transit Railroad—Agreement "CU", the Secretary be and he hereby is authorized and directed to return to all except the lowest bidder, the certified checks in the sum of Three Hundred (\$300.00) Dollars each, deposited with their bids.

1583—R. T. 7592

Route No. 11-B, Section No. 3—Resolution Approving Sureties upon Bond in the Sum of \$100,000 Deposited by Contractor as Security for Faithful Performance of Work—Adopted

The following resolution was adopted:

Resolved, That the National Surety Company, American Surety Company, Fidelity and Deposit Company of Maryland and United States Fidelity and Guaranty Company, be and hereby are approved as sureties, upon the bond in the sum of One Hundred Thousand (\$100,000) Dollars deposited by T. A. Gillespie Company, as security for the faithful performance of the contract for the construction of the Extension of the Fourth Avenue Subway Borough of Brooklyn, Route No. 11-B, Section No. 3,—each of said sureties being held and bound as follows:

National Surety Company	\$50,000.00
American Surety Company	16,666.66
Fidelity & Deposit Company of Maryland.....	16,666.66
United States Fidelity & Guaranty Company.....	16,666.68

1584—R. T. 7707

Order No. 23—Form of Contract, Specifications, Invitation to Contractors, etc. for Supply of Special Work for Lenox Avenue and 148th Street Yard—Resolution Directing Advertisement for Bids

The following resolution was adopted:

Whereas, The Chief Engineer and Counsel have submitted to this Commission for adoption the proposed Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Con-

tract Drawings for the supply of Special Work (Order No. 23) for use in the construction of part of the Lenox Avenue and 148th Street Yard, under Contract No. 3.

Resolved, That said Invitation to Contractors, Information for Contractors and Forms of Contract, Bond and Contractor's Proposal, together with the Specifications and Contract Drawings for the supply of Special Work, Order No. 23, for use in the construction of part of the Lenox Avenue and 148th Street Yard, under Contract No. 3, be and hereby are approved and adopted and that said Invitation to Contractors be published in The City Record every day of publication continuously from and including November 16, 1923 to and including November 30, 1923 and on November 19, 1923 and November 26, 1923 in The New York Herald and The Evening World, daily newspapers published in The City of New York and that such bids as shall be received shall, on the 30th day of November, 1923 at eleven-thirty (11:30) o'clock A.M. or at a later date to be fixed by the Transit Commission be opened publicly by the Transit Commission, at the office of the Transit Commission, and read.

1585—R. T. 7706

Agreement "CU"—Report by Chief Engineer as to Receipt of Bids for Construction of Signal Tower at 239th Street Yard and Recommendation for Award of Contract to John B. Roberts & Company, at Bid Price of \$12,757.50.—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

November 10, 1923.

To: the TRANSIT COMMISSION:

Award of contract for Construction of Signal Tower, 239th St. Yard, Agreement "CU," to John B. Roberts & Co.

On November 9, 1923 the following bids were received for work under Agreement "CU," Construction of a Signal Tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18, Section No. 2, Borough of The Bronx:

Name	Amount
1. John B. Roberts & Co.....	\$12,757.50
2. Edward Balaban & Co.....	12,807.00
3. John Pollock	13,365.40

Our estimate for this work amounts to \$9,136.50.

I have looked over the prices quoted by the lowest bidder, and although in general they are higher than our estimate, I consider them reasonable under present conditions.

This Contractor, either under the name of John B. Roberts or John B. Roberts & Co., has done considerable work for the Commission and its predecessors, having had contracts for Station Finish on the Lexington Avenue and Seventh Avenue Lines and other minor contracts, aggregating in all about \$800,000. All of this work was carried out successfully.

Attached I transmit herewith a copy of minutes of a conference held in my office today with a representative of John B. Roberts & Co. in which is contained its financial statement.

Recommendation: I respectfully recommend from an engineering standpoint the award of the contract for work under Agreement "CU," Construction of a Signal Tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18, Section No. 2, Borough of The Bronx to the lowest bidder, John B. Roberts & Co. at its bid figure of \$12,757.50 and that a requisition be made on the Board of Estimate and Apportionment for the appropriation of this amount to be charged to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for construction of a signal tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Agreement "CU," Route No. 18, Section No. 2, Borough of The Bronx, was finally adopted on

[November 13, 1923]

October 30, 1923 and subsequent to advertisement duly made, bids respectively totalling as follows were received on November 9, 1923:

John B. Roberts & Co.....	\$12,757.50
Edward Balaban & Co.	12,807.00
John Pollock	13,365.40

; and

Whereas, The Chief Engineer of this Commission, by communication dated November 10, 1923, has reported that the amount of said bid is reasonable and that the said John B. Roberts and Co., the low bidder, is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to it, and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$12,757.50, the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of said John B. Roberts and Co. submitted as aforesaid be and the same hereby is accepted and the said proposed contract for the construction of a signal tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Agreement "CU," Route No. 18, Section No. 2, Borough of The Bronx, be and the same hereby is awarded to the said John B. Roberts & Co., subject to its being approved and consented to in form and substance, as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$12,757.50, estimated to be necessary to meet the City's obligation under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment as authorized by the above resolution was as follows:

November 13, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission and John B. Roberts & Co., for the construction of a signal tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Agreement "CU", Route No. 18, Section No. 2, Borough of The Bronx, together with a requisition upon your Honorable Board for the appropriation of the sum of Twelve Thousand, Seven Hundred and Fifty-seven Dollars and Fifty Cents (\$12,757.50) being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on November 9, 1923, respectively totalling as follows:

John B. Roberts & Co.....	\$12,757.50
Edward Balaban & Co.....	12,807.00
John Pollock	13,365.40

The Chief Engineer of this Commission in a communication dated November 10, 1923, reports that the bid of John B. Roberts & Co., the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract and the Transit Commission has accepted said bid and awarded said proposed contract to said John B. Roberts & Co., subject to its being approved and consented to in form and substance, as required by law.

Your Board is therefore, requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Twelve Thousand Seven Hundred and Fifty-seven Dollars and Fifty cents (\$12,757.50) and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means of meeting the City's obligation under said proposed

contract, to wit, the sum of Twelve Thousand, Seven Hundred and Fifty-Seven Dollars and Fifty Cents (\$12,757.50).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1586—R. T. 7011

Contract No. 4—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Requisition for Additional Appropriation of \$3,000 for Maintenance of Lines Prior to Operation—Approval Resolution—Requisition upon Board of Estimate and Apportionment

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 8, 1923, recommending the making of a requisition upon the Board of Estimate and Apportionment, for an appropriation of an additional sum of \$3,000 for Maintenance of Lines Prior to Operation, under Contract No. 4.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment has established a fund for the purpose of defraying expenses in connection with the Maintenance Prior to Operation of the railroad described in the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation, known as Contract No. 4; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated November 8, 1923, reported with respect to the present and future necessities in connection with the Maintenance Prior to Operation of the Railroad under said Contract No. 4, and recommended the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of an additional sum of \$3,000 under and for the purposes of said fund so established.

Resolved, That the said report and recommendation be and the same hereby is approved and that the requisition in the form now submitted by Counsel, which will effect such recommendation, be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution was as follows:

November 13, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board has established a fund known as Code CCM-406, Maintenance Prior to Operation under the contract dated March 19, 1913, known as Contract No. 4.

The Chief Engineer of this Commission has reported, under date of November 8, 1923, with respect to the said fund as follows:

“On June 29, 1923, the Board of Estimate and Apportionment appropriated \$5,000 for the Maintenance of Contract No. 4 lines prior to Operation, making a total of \$48,000 appropriated for this work. The available balances in the fund since that time are reported to have been as follows:

Date	Available Balance
July 26th	\$6,057.41
August 14th	5,655.05
October 2nd	3,956.44
November 2nd	3,058.63

From the above figures, it will be noted that the expenditures are averaging \$1000 a month and it is likely that in the next few months, the rate of expenditure will not be much below the previous average. Accordingly, it is probable that the balance on hand will be exhausted early in 1924. The earliest possible date at which train operation may be begun in the 14th St.-Eastern Subway, where most of the money from the fund for Maintenance of Contract No. 4 lines prior to Operation is expended, is early in the spring of 1924. Accordingly, it would seem advisable that at least \$3000 additional be made available in the said fund.

In making this recommendation, I assume that the City is still responsible for pumping in the 14th St.-Eastern Subway, until the line is completed and ready to turn over to the operating company.

Recommendation—

From the engineering standpoint, I accordingly recommend that requisition be made on the Board of Estimate and Apportionment for the sum of \$3,000 in addition to previous appropriations for the Maintenance of Contract No. 4 lines prior to Operation."

The Transit Commission has approved said report and requisition is accordingly made upon your Honorable Board for the additional appropriation of Three thousand dollars (\$3,000) for Maintenance Prior to Operation of the Railroad described in said Contract No. 4 between the time of the completion thereof and the beginning of operation, to be defrayed from the proceeds of corporate stock chargeable to said Contract No. 4.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1587—R. T. 7494

Routes Nos. 16, 18, 36 & 37 and 50—Reports by Chief Engineer Recommending Approval of Agreements with Interborough Rapid Transit Company for Repairs to Leaks in Mezzanines at Stations of Jerome Avenue, White Plains Road, and Queensboro Lines—Proposed Agreements—Approval Resolution—Requisition upon Board of Estimate and Apportionment

Reports were presented from the Chief Engineer dated December 20, 1922, October 8, 1923 and November 8, 1923, recommending that proposed agreements be entered into with the Interborough Rapid Transit Company, for making repairs to leaks in mezzanines at certain stations of the elevated portions of the Jerome Avenue, White Plains Road and Queensboro Subway Lines, at estimated costs of \$17,000 for the Jerome Avenue and White Plains Road Lines and \$20,000 for the Queensboro Subway Lines. Two proposed agreements with the Interborough Rapid Transit Company were also submitted.

The following resolution was adopted:

Whereas, Heretofore and on or about the 19th day of June, 1922 The City of New York, acting by this Commission, entered into an agreement with Interborough Rapid Transit Company, for the performance of the work of remedying the leaky conditions of the mezzanine roofs at certain stations of the elevated portions of the Jerome Avenue and White Plains Road Lines of the Railroad as described in the contract dated March 19, 1913 between The City of New York and said Interborough Rapid Transit Company, known as Contract No. 3; and

Whereas, By communications dated December 20, 1922, October 8, 1923 and November 8, 1923 the Chief Engineer of this Commission has recommended that similar work be performed on other and additional stations of the said Jerome Avenue and White Plains Road Lines and also on the elevated portions of the Queensboro Subway Line of said Railroad, the estimated cost of such additional work on the Jerome Avenue and White Plains Road Lines being \$17,000, and the estimated cost of such work on the Queensboro Lines being \$20,000; and

Whereas, Counsel has prepared and submitted two proposed agreements with the Interborough Rapid Transit Company, similar to the agreement of June 19, 1922 afore-

said, providing for such additional work on the stations of the municipal railroads indicated, together with a proposed requisition upon the Board of Estimate and Apportionment for the consent of said Board and the appropriation of the moneys estimated to be necessary to carry out said two proposed agreements, and has recommended the adoption and approval thereof,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed agreement and requisition so submitted be and the same hereby are approved and adopted and that said proposed agreements, together with said requisition, be transmitted to said Board of Estimate and Apportionment.

Further Resolved, That upon approval by said Board of Estimate and Apportionment and the approval of said proposed agreements as to form by the Corporation Counsel, the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed agreements.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution was as follows:

November 13, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

On April 28, 1922 your Honorable Board, pursuant to the requisition of this Commission dated May 25, 1921, consented to a proposed agreement between The City of New York, acting by this Commission, and Interborough Rapid Transit Company, for the performance of the work of remedying the leaky condition of the mezzanine roofs of eight stations on the Jerome Avenue Line and five stations on the White Plains Road Line of the Railroad, as described in the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3, and appropriated, for the purposes of carrying out the obligations of the City thereunder, the sum of Twenty thousand dollars (\$20,000).

So far as pertinent to this presentation the requisition of May 26, 1921 stated:

"The design of portions of the Municipal Elevated Rapid Transit Railroads constructed pursuant to the dual contracts, known as Contracts Nos. 3 and 4, and particularly the Jerome Avenue and White Plains Road Line under Contract No. 3 and subdivision VIII of the Broadway-Fourth Avenue Line described in Contract No. 4, known as the New Utrecht Avenue Line provided for the construction of track floors, which compose the mezzanine roofs at the stations to be constructed of concrete masonry slabs which rested on steel "I" beams and girders. These concrete masonry slabs were waterproofed by means of a woven fabric treated in and laid in pitch and the joint between the slab and the steel was waterproofed by means of an elastic waterproofing compound. Notwithstanding such precautions leaks have developed in the track floors, the reason for which being that the trains in passing over the steel girders cause the girders to deflect and after the trains have passed the girders resume their original position causing a constant movement of the girders, which finally breaks the joint between the concrete and the steel and permits the water to leak through.

The subject of ascertaining the best way of remedying this condition on the mezzanine roofs of the elevated lines is one of great difficulty and has been the subject of considerable study and consideration.

A form of contract was prepared and bids were received on May 14, 1920 for the solution of this difficulty on the New Utrecht Avenue Line, Contract No. 4. The lowest bid, only one bid being received, though many reputable concerns were invited to bid, was \$130,971.60, which was rejected because it was considered too high. The plan involved in this proposed contract consisted in repairing the leaks and in addition provided wooden covers at the level of the top of the railroad ties to exclude, so far as possible, snow, paper and rubbish from finding their way to the top of the mezzanine roof, and stopping up the drains provided for carrying away the water. Forty per centum of the bid so submitted was due to the provision for the wooden covers, but even with that item eliminated the price was more than was deemed by this Department to be a reasonable one for procuring a water tight mezzanine roof. It is assumed that the high price submitted was due, in great measure, to the difficulty in getting

at the places on the mezzanine roofs, which work would have to be performed under operating conditions.

Other methods were devised with a view to a simplification of the design in effecting the result desired. The engineers of the New York Municipal Railway Corporation and the Interborough Rapid Transit Company considered the subject and joined in a conference with the engineers of this Department to arrive at a conclusion as to a better method of securing a satisfactory result. It developed that the Interborough Company has experimented with repair work on the mezzanines of their elevated lines in the Bronx to find a satisfactory way of remedying the leaky conditions and that the result of their efforts seems to have been entirely satisfactory. The cost of performing such work, according to the method devised by that Company, has varied between \$1100 and \$1400 per mezzanine.

* * *

Part of the work involved necessitates removing the guard rails and removing the ties a few at a time, all of which must be done in the trainways without interfering with the operation of trains. If this proposed work of waterproofing were done by a contractor other than the Interborough Rapid Transit Company, the contractor would have to have the Company perform the work described in the trainways, as the Interborough Rapid Transit Company would not permit other than its own men to perform this work. It is therefore considered advisable to have the operating company perform all the work directly as a contractor for the City both as a matter of safety and of economy."

Under date of December 20, 1922 the Chief Engineer of this Commission reported that the work of making repairs to the waterproofing over the mezzanines on the group of stations included in the agreement approved by your Board as aforesaid had progressed satisfactorily and recommended that similar repairs should be undertaken by the operating company on other stations of the elevated portions of the municipal rapid transit railroad system, including additional stations on the Jerome Avenue and White Plains Road Line and also on portions of the Queensboro Line of the said Railroad.

The first group of stations included in one of the proposed agreements with the Interborough Rapid Transit Company, transmitted herewith, is as follows:

Jerome Avenue Line

161st Street Station
Mt. Eden Station
Mosholu Parkway Station (2 mezzanines)

White Plains Road Line

180th Street Station
Bronx Park East Station
225th Street Station
233rd Street Station
238th Street Station
241st Street Station

making in all ten mezzanines at nine stations, the estimated cost of which work is Seventeen Thousand dollars (\$17,000), and the second group of stations, for which a separate proposed agreement with the Interborough Rapid Transit Company is transmitted herewith, is the following:

Routes 36 & 37, Section 2

Beebe Avenue Station
Washington Avenue Station
Broadway Station
Grand Avenue Station
Hoyt Avenue Station
Ditmars Avenue Station

Routes 36 & 37, Section 3

Lincoln Avenue Station (2 mezzanines)
Woodside Avenue Station
Fiske Avenue Station

Routes 36 & 37, Section 3—Continued

Broadway Station
 25th Street Station
 Elmhurst Station
 Junction Avenue Station
 Alburts Avenue Station

Route 50

11th Street Station

making in all sixteen mezzanines at fifteen stations, the estimated cost of which work is Twenty thousand dollars (\$20,000).

The geographical location of the work naturally divides itself into two groups as provided for in the separate agreements. The controlling necessity, however, for this division, is the limitation of an estimated cost of Twenty-five thousand dollars (\$25,000) for entering into agreements without public advertisement, as more particularly prescribed by the Rapid Transit Act.

The Transit Commission requests your Honorable Board to consent to the two proposed agreements transmitted herewith and to appropriate for the purpose of meeting the obligations of the City under the proposed agreement for the performance of the work on the stations of the Jerome Avenue and White Plains Road Lines the sum of Seventeen thousand dollars (\$17,000), and to appropriate for the purpose of meeting the obligations of the City under the proposed agreement for the performance of the work on the stations of the elevated portions of the Queensboro Line the sum of Twenty thousand dollars (\$20,000), both sums to be in addition to the appropriations heretofore made for the purpose of carrying out the said Contract No. 3.

TRANSIT COMMISSION,
 By GEORGE McANENY,
 Chairman.

1588—R. T. 6881

Order No. 3—Application by Bethlehem Steel Products Company for Further Extension of Time to December 31, 1924, within Which to Complete Delivery of Open Hearth Rail—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Bethlehem Steel Products Company, dated November 6, 1923, requesting a further extension of time to and including December 31, 1924, within which to complete delivery of 85 pound and 100 pound open hearth rail, Order No. 3.

A report was presented from the Chief Engineer, dated November 9, 1923, recommending approval.

The following resolution was adopted:

Whereas, The City of New York, acting by the Public Service Commission for the First District, heretofore entered into a contract dated August 25, 1915, with Bethlehem Steel Products Company for the supply of open hearth rail (Order No. 3) for use in the construction of rapid transit railroads, pursuant to which said contract the obligation of said company to furnish such open hearth rail as in said contract provided, ceases on the 31st day of December, 1923 as provided in an order of the Transit Commission adopted October 31, 1922; and

Whereas, The said Bethlehem Steel Products Company, by communication dated November 6, 1923, has requested a further extension of time within which to deliver the open hearth rail in accordance with the provisions of said contract to and including December 31, 1924, and the Chief Engineer of this Commission, by communication dated November 9, 1923 reports that it is to the City's interest to have the delivery of this rail deferred and recommends that the request of the said contractor be granted,

Resolved, That in accordance with the provisions of the order of the Transit Construction Commissioner adopted on November 25, 1919 as modified by the order of the Transit Construction Commissioner adopted on June 8, 1920 and in accordance with the provisions of said latter order and upon condition that the said contract, except as herein specifically provided, shall remain in all respects unchanged and that

the said Bethlehem Steel Products Company shall deliver to this Commission in duplicate with execution duly approved, its written acceptance together with the consents of its sureties of the terms hereof and upon condition further that said Bethlehem Steel Products Company and its sureties shall forthwith, if and when demanded by this Commission, at any time or times, execute and deliver to this Commission such instruments and arrangements as shall be required by this Commission, in order to modify the said contracts in accordance with the terms hereof, that the time of the Bethlehem Steel Products Company within which to make delivery of eighty-five pound rail and one hundred pound rail in accordance with the provisions of said contract be and the same hereby is extended to and including the 31st day of December, 1924.

1589—R. T. 6080

Routes Nos. 19 & 22, Section No. 2—Application by Louisa Bauer for Permission to Occupy Premises at No. 1670 Eastchester Road, Borough of The Bronx—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Louisa Bauer, dated November 8, 1923, requesting permission to occupy a frame building on the property at No. 1670 Eastchester Road, Borough of The Bronx, at a rental of \$20 per month, beginning August 21, 1923.

A report was presented from the Real Estate Clerk, dated November 12, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Louisa Bauer by application dated November 8, 1923, has requested permission to occupy a frame building on the premises known as No. 1670 Eastchester Road, Borough of The Bronx, part of property acquired by condemnation on August 21, 1923, for purposes of the Westchester Avenue Line Storage Yard, agreeing to pay rent at the rate of \$20.00 per month beginning August 21, 1923, to vacate on fifteen (15) days' notice and to other conditions of a character usually contained in similar applications; and

Whereas, The Real Estate Clerk, under date of November 12, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application.

1590—R. T. 7457

Route No. 8, Section No. 2—Report by Chief Engineer Recommending Deduction for Hand Rail Not Installed under Contract for Enclosure to Inspection Shed at 180th Street Yard—Approved

A report was presented from the Chief Engineer dated November 11, 1923, recommending that a deduction be made from the estimate of the Rosenthal Engineering & Contracting Company at the rate of \$1 per linear foot of oak hand rail not installed under the contract for the enclosure to the inspection shed at the 180th Street Yard. Upon motion duly seconded and adopted the report was approved.

1591—R. T. 7177

Routes Nos. 36 & 37 and 52, Section No. 3—Notice to Queens Subway Apartment & Loft Building Corporation That It Will Be Required to Pay Rental for Fill on City-Owned Site for Proposed Corona Storage Yard—Approved

The following notice was approved:

November 13, 1923.

Mr. N. G. DEGNON, Treasurer,
QUEENS SUBWAY APARTMENT & LOFT BUILDING CORPORATION,
50 East 42nd Street,
New York City, N. Y.
Dear Sir:

By the order of the court the time within which Degnon Realty & Terminal Improvement Company might remove the excess fill in the land acquired by the City of New York for a car storage yard in a rapid transit condemnation proceeding commonly known as Peartree Avenue Storage, Corona Meadows, was extended from November 15, 1922, to November 1, 1923. The report of the Chief Engineer of this Commission, dated November 5, 1923, states that on November 1, 1923, approximately 20% of this excess fill had been removed from the site. So far as this Commission has learned there is no record that your Corporation, as successor to the Degnon Realty & Terminal Improvement Company, has obtained a further extension from the court of the time within which to remove this fill beyond November 1, 1923. In connection with the final decree entered on February 21, 1922, which determined this excess fill to be personal property, Mr. Justice Van Sicken in his opinion stated in part as follows: "If the applicant seeks to retain it, the same must be removed expeditiously and without interference with the uses to which the petitioner is about to put the condemned property."

Continued occupancy of the premises by your Corporation constitutes an embarrassment to the planning and construction of the very necessary rapid transit car storage yard for which the property was condemned. It is not practicable at this date to estimate just how much loss this means to The City of New York, because of such embarrassment to rapid transit construction, in dollars and cents. However, it is apparent that such loss would not be less than the fair rental value of the land during this occupancy by your Corporation for the removal of personal property. It is therefore requested that your Corporation by responsible representatives take up this matter with Counsel to the Commission before December 1, 1923.

Very truly yours,
JAMES B. WALKER,
Secretary.

1592—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Cancellation of Proposed Contract with Power Specialty Company for Purchase of Superheater for 59th Street Power House and for Approval of Purchase from Babcock & Wilcox—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated November 12, 1923, for approval of the cancellation of the proposed contract with Power Specialty Company for the supply and installation of one Foster Radiant Superheater, to be installed under the new boiler in the 59th Power House and in substitution therefor to purchase the superheater from Babcock & Wilcox.

A report was presented from Consulting Engineer Dr. Charles E. Lucke, dated November 13, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad, and assigning Work Order No. D-12-A thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract, dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, this Commission by resolution adopted July 24, 1923, approved a proposed contract to be entered into between said Interborough Rapid Transit Company and Power Specialty Company for the delivery and installation of one Foster radiant superheater to be installed under the new boiler in the 59th Street Power House of said Interborough Rapid Transit Company at a total cost of \$6,800; and

Whereas, Consulting Engineer, Dr. Chas. E. Lucke, has by communication dated November 13, 1923, reported upon investigation by the Engineers of the Commission, the Interborough Rapid Transit Company and the Power Specialty Company, it is deemed advisable to cancel the contract entered into between the Interborough Rapid Transit Company and the Power Specialty Company and to withdraw the approval of the Commission thereto of July 24, 1923 and in substitution therefor to purchase pursuant to a proposed contract submitted with the Babcock and Wilcox Company one of its superheaters similar to others approved by the Commission for installation in said power house, the cost of which is \$5,833, which must be increased to approximately \$6,800., by reason of the additional brick work in front and rear walls of the boiler in which said superheater is to be installed, and recommends the approval of the proposed contract submitted by Interborough Rapid Transit Company for the purchase and installation of one Babcock and Wilcox superheater in the 59th Street Power House in substitution for the Foster radiant superheater as approved by the Commission on July 24, 1923 and the cancellation of such approval of the Commission; and

Whereas, By supplemental communication, Consulting Engineer, Dr. Chas. E. Lucke, has reported that the Power Specialty Company has agreed to the cancellation of the contract with the Interborough Rapid Transit Company for the supply of one Foster radiant superheater, without maintaining any claim for damages of any kind; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated November 16, 1923, has recommended that said Babcock & Wilcox superheater be classified as Additional Equipment for the Railroad and that Work Order No. D-12-A be assigned thereto;

Resolved, That the said reports and recommendations be and the same hereby are approved; that the said resolution of July 24, 1923, approving said proposed contract with the Power Specialty Company for the manufacture and delivery of one Foster radiant superheater be and the same hereby is in all respects cancelled; that the said proposed contract now submitted by the Interborough Rapid Transit Company for the purchase and installation of one Babcock and Wilcox superheater in said 59th Street Power House, as recommended by Consulting Engineer, Dr. Chas. E. Lucke, in his report of November 13, 1923, together with the plans and specifications therefor be and the same hereby are approved and adopted, the cost of such superheater to be classified as Additional Equipment of the Railroad as described in said Contract No. 3 and as to which this Commission assigns Work Order No. D-12-A.

1593—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Elimination of Penalty Clause from Proposed Contract for Two Induced Draft Centrifugal Blowers for 59th Street Power Station—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated November 9, 1923, requesting approval of the elimination of article XI from the proposed contract between the Interborough Rapid Transit Company and the B. F. Sturtevant Company, for the manufacture of two Induced Draft Centrifugal Blowers for the 59th Street Power Station.

The following resolution was adopted:

Whereas, This Commission, by resolution adopted July 10, 1923, approved a proposed contract between the Interborough Rapid Transit Company and the B. F.

Sturtevant Company, for the manufacture of two (2) 15 ft. Cindervane design No. 1 Induced Draft Centrifugal Blowers, at a cost of \$16,144; and

Whereas, Said contract contained the following Article:

"XI. In case the Contractor shall fail to deliver the Equipment, as designated in Article X hereof, within the time or times fixed for such delivery or within the time or times to which such delivery may be extended by the Company, the Contractor shall and will pay to the Company the sum of Five Dollars (\$5.00) for each and every day the delivery of each blower is delayed beyond such time or times, which said sum in view of the difficulty of ascertaining the exact damage which the Company will suffer by reason of such delay, is hereby agreed upon not as a penalty but as liquidated damages which the Company will suffer by reason of such delay; and the Company shall and may deduct and retain the amount of such liquidated damages out of moneys which may be due or become due to the Contractor under this contract."

; and

Whereas, The said Interborough Rapid Transit Company has, by communication dated November 9, 1923, made application to the Commission for its approval of the elimination of said Article XI from said contract upon the ground that it is against the policy of the contractor to execute contracts containing penalty clauses; and

Whereas, Counsel finds no objection to the elimination of said Article XI from said contract,

Resolved, That the application of the Interborough Rapid Transit Company, as aforesaid, for the elimination of Article XI above quoted from the contract between it and B. F. Sturtevant Company, dated April 13, 1923, for the manufacture of two (2) 15 ft. Cindervane Design No. 1 Induced Draft Centrifugal Blowers, at a cost of \$16,144 be and the same hereby is approved.

1594—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Elimination of Penalty Clause from Proposed Contract for Manufacture of Two Forced Draft Centrifugal Blowers for 59th Street Power Station—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated November 9, 1923, requesting approval of the elimination of Article XI from the proposed contract between the Interborough Rapid Transit Company and the B. F. Sturtevant Company for the manufacture of two forced draft centrifugal blowers for the 59th Street Power Station.

The following resolution was adopted:

Whereas, This Commission, by resolution adopted July 10, 1923, approved a proposed contract between Interborough Rapid Transit Company and the B. F. Sturtevant Company for the manufacture of two forced draft centrifugal blowers for the 59th Street Power House, at a cost of \$5,786; and

Whereas, Said contract contained the following Article:

"XI. In case the Contractor shall fail to deliver the Equipment, as designated in Article X hereof, within the time or times fixed for such delivery or within the time or times to which such delivery may be extended by the Company, the Contractor shall and will pay to the Company the sum of Five dollars (\$5.00) for each and every day the delivery of each blower is delayed beyond such time or times, which said sum in view of the difficulty of ascertaining the exact damage which the Company will suffer by reason of such delay, is hereby agreed upon not as a penalty but as liquidated damages which the Company will suffer by reason of such delay; and the Company shall and may deduct and retain the amount of such liquidated damages out of moneys which may be due or become due to the Contractor under this contract."

; and

Whereas, Interborough Rapid Transit Company by communication dated November 9, 1923, made application to the Commission for its approval of the elimination of said

Article XI from said contract on the ground that it is against the policy of the contractor to execute contracts containing penalty clauses; and

Whereas, Counsel finds no objection to the elimination of said Article XI from said contract,

Resolved, That the application of the Interborough Rapid Transit Company, as aforesaid, for the elimination of Article XI above quoted, from the contract between it and B. F. Sturtevant Company, for the manufacture of two forced draft centrifugal blowers for the 59th Street Power House, at a cost of \$5,786, be and the same hereby is approved.

1595—R. T. 7694

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Basis of Accounting for Items of Work in Connection with Ventilating Equipment at 131st Street Fan Chamber of Lexington Avenue Line—Report by Engineer of Equipment and Operation and Chief Engineer, Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated October 16, 1923, requesting approval of a basis of accounting for various items of work in connection with the ventilating equipment at the 131st Street fan chamber of the Lexington Avenue Line,—the work to be done as Construction, and the cost thereof to be charged against the company's contribution toward the Cost of Construction, under Contract No. 3.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 5, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, concurring in such classification.

The following resolution was adopted:

Whereas, Pursuant to the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has by communication dated October 16, 1923, by its President and General Manager, submitted for the approval of this Commission a basis of accounting for the various items of work necessary in connection with the providing of ventilating equipment at the 131st Street fan chamber of the Lexington Avenue Line of the Railroad, as described in said Contract No. 3, such being as stated by said President and General Manager in said letter as follows:

"I have to advise that the Company is willing in this instance to undertake this work and charge the cost thereof as outlined by Mr. Ridgway in his letter of September 18, 1923, to wit: The work of structural changes, consisting of enlargement of openings in the curtain walls at the fan location will be done and the cost charged to Equipment, and the work of construction of walls enclosing the emergency stairways and construction of concrete floors will be done as Construction and the cost thereof charged against this Company's contribution toward the cost of Construction under Contract No. 3."

; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated November 5, 1923, reported that the plans for such work have been approved, and recommend that approval be given to said proposal of Interborough Rapid Transit Company for the cost accounting of such work; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated November 8, 1923, concurs in such classification,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company of October 16, 1923, be and the same hereby is approved and that the said Interborough Rapid

Transit Company be and hereby is authorized to perform the work of installing such ventilating equipment at the 131st Street fan chamber aforesaid as indicated on its drawings Nos. S-4,111, S-4,112, S-4,113, and S-4,114, the cost thereof to be classified as indicated in said proposal of said Interborough Rapid Transit Company hereinbefore more particularly set forth.

1596—R. T. 7583

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Agreement for Maintenance of Pole on Westerly Side of Shell Road South of 86th Street, Borough of Brooklyn—Report by Engineer of Equipment and Operation and Chief Engineer and Memorandum by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 17, 1923, requesting approval of a proposed agreement with Marianna Russo and Maria Piro for the maintenance and operation of a pole line carrying high tension wires over certain property on the westerly side of Shell Road south of 86th Street, Borough of Brooklyn, at an annual payment of \$45.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 31, 1923, together with a memorandum by the Real Estate Clerk dated November 8, 1923, recommending that the application be approved, which report and memorandum were endorsed by the Auditor of Rapid Transit Costs classifying the expenditure as Operating Expense.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated October 17, 1923 submitted for the approval of this Commission a proposed agreement between said New York Rapid Transit Corporation and Marianna Russo and Maria Piro dated September 1, 1923, granting to said corporation the right to maintain and operate a pole line carrying high tension wires over property known as Lot No. 18 in Block 7191 on the westerly side of Shell Road south of 86th Street in the Borough of Brooklyn, City of New York, for which right the corporation is to pay an annual sum of forty-five dollars (\$45), and which right is revocable upon sixty (60) days in writing; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated October 31, 1923 have reported that the pole line was built several years ago and carries high tension wires supplying power to the Coney Island substation which feeds both surface and rapid transit lines; that the pole line is necessary for the proper operation of the rapid transit lines in this vicinity; that the annual rental is considered reasonable and recommend the approval of said proposed agreement; and

Whereas, The Real Estate Clerk by memorandum dated November 8, 1923, recommends that the said proposed agreement be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated November 7, 1923, has recommended that such expenditure be classified as Operating Expense,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed agreement so submitted be and the same hereby is approved; the expenditure to be made thereunder to be charged to Operating Expense under Contract No. 4.

1597—R. T. 6668, 7112

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Installing Conduits in Shafts and Building Splicing Chambers in Whitehall Street Shaft of Montague Street Tunnels—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Report by Auditor of Rapid Transit Costs and Chief of Bureau of Accounting and Valuations Classifying Work as Operating Expense—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 22, 1923, requesting approval of a proposed purchasing agent's order directed to The Maintenance Company, Inc. for furnishing and installing conduits in the Furman Street and Whitehall Street Shafts and building splicing chambers in the Whitehall Street Shaft of the Montague Street Tunnels at a cost of \$10,048.50.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated October 31, 1923, recommending approval.

A report was presented from the Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations dated November 8, 1923, classifying the cost as an Operating Expense payable out of the revenue of the Railroad under Contract No. 4.

The following resolution was adopted:

Whereas, A predecessor of this Commission, the Public Service Commission for the First District, by resolution adopted September 24, 1918, approved a proposed agreement between the New York Consolidated Railroad Company, New York Telephone Company and the City of New York, acting by said Commission, for the rental of ducts in the Montague Street and 14th Street Tunnels under the East River, being parts of the railroad described in said Contract of March 19, 1913, between The City of New York, acting by said Public Service Commission and New York Municipal Railway Corporation, known as Contract No. 4, which contract with the New York Telephone Company provides in part as follows:

"The ducts leased under this contract will include ducts and splicing chambers in the river shafts and connecting drifts or tunnels at either side of the East River, being such pipes or ducts as may be necessary to connect the ducts in the tunnel with the manhole at the top of the river shafts, at which manhole at the top of the river shaft the Telephone Company will connect with its duct lines on the outside of the walls of the respective shafts. All such ducts will be provided without expense to the Telephone Company.

Such pipes, unless installed as part of 'Construction' or as part of 'Equipment' of the Railroad, as such terms are respectively defined and used in said Contract No. 4, shall be provided and installed from time to time by and at the expense of the Railroad Company or, at the request of the Railroad Company, may be provided and installed from time to time by the Telephone Company, in which latter event the cost thereof to the Telephone Company shall be deducted from the rental payable by the Telephone Company to the Railroad Company under this contract; the understanding being that, to the extent said pipes are provided and installed by either the Railroad Company or the Telephone Company, there shall be provided and installed only such number of said pipes as may from time to time be immediately required for use by the Telephone Company. If the Railroad Company shall provide and install such pipes, it shall have the right to charge the expense thereof to the actual and necessary cost of operating the Railroad under said Contract No. 4. The said pipes, whether provided by the Railroad Company or by the Telephone Company, shall be part of the Railroad. The said pipes are included in the lease under this contract, and the Telephone Company shall pay rental therefor at the rate herein provided as aforesaid."

; and

Whereas, Pursuant to the said contract and the provisions of said Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4 and said contract with the Telephone Company has by communication dated October 22, 1923, submitted for the approval of this Commission, a proposed purchasing agent's order dated October 19, 1923, directed to The Maintenance Company, Inc. for the following:

Furnish and install 3½" Steel or Wrought Iron Conduits in and adjacent to the Furman St. and Whitehall St. Shafts and construct splicing chambers in the Whitehall Street Shaft of the Montague-Whitehall St. Tunnel, Broadway-Fourth Avenue Line, as per specifications dated August 22nd, 1923; also our Drawings C-5733 and C-5734 and Transit Commission Plan No. 1001, File 2602.

For the total lump sum price of..... \$10,048.50

Work to be completed within 100 days from date of order. Bond called for in Paragraph No. 14 of the specifications, in the sum of \$25,000 will be required.

Payments for work done under this order will be made to the Contractor on the 20th day of each month for 90% of the Engineer's estimated value of the work performed during the preceding month, provided the contractor is making satisfactory progress, and payments by the Contractor to any sub-contractor, for work covered by this order, are being made consistent with payments made by the Company to the Contractor. Balance due will be paid within thirty (30) days after completion and acceptance of the work by our Engineer.

Work will be under the direct supervision of Mr. H. J. Kolb, Engr. Way & Structure, Room 1000, 85 Clinton St., Brooklyn, N. Y., with whom all questions of detail, etc. should be taken up.

The work will also be done in accordance with and subject to the obligations of the New York Rapid Transit Corp. under Contract No. 4 with the City of New York, which contract is dated March 19th, 1913.

; together with specifications dated August 22, 1923, made part thereof, which proposed purchasing agent's order has been caused to be designated as "Approval No. 376"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated October 31, 1923 reported that the following bids were received for such work:

The Maintenance Company, Inc.....	\$10,048.50
(Including \$25,000.00 bond).	
Isidor Fajans, Inc.	*11,500.00
Empire City Subway Company.....	*20,708.86
B. T. & J. J. Mack.....	Could not bid
Seymour Construction Company	Could not bid

; that the plans covering such installation were approved on September 5, 1923; that The Maintenance Company is competent to perform the work; that the price is reasonable and the best obtainable; that the form of the order and the specifications are satisfactory from an engineering standpoint; that these conduits are necessary to provide connections between the subway ducts and the manholes of the Telephone Company at the top of the shafts as called for in said contract heretofore approved on September 24, 1918, and recommend that the said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs and the Chief of the Bureau of Accounting and Valuations have by communication dated November 8, 1923, recommended that the cost of the proposed work under said proposed purchasing agent's order be classified as an Operating Expense payable out of the revenue of the Railroad described in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; and that the said proposed purchasing agent's order and the specifications made part thereof be and the same hereby are approved, and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order; that the cost thereof be classified as Operating Expense and shall be paid for out of revenue of the Railroad under said Contract No. 4.

*Bond not included.

1598—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Furnishing and Installing Telephone Cables for Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 25, 1923, requesting approval of a proposed purchasing agent's order directed to B. T. & J. J. Mack, Inc. for furnishing and installing telephone cables for the Fourteenth Street-Eastern Line at a total cost of \$15,091.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 3, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated October 25, 1923, submitted for the approval of this Commission, a proposed purchasing agent's order dated October 24, 1923, directed to B. T. & J. J. Mack, Inc., for the following:

Furnish and install telephone cables and related work 14th Street-Eastern Line, in accordance with attached specifications dated July 25th, 1923, revised October 18th, and list of prices attached.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 379"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated November 3, 1923, reported that the following bids were received for such work:

B. T. and J. J. Mack, Inc.....	\$15,091.00
James Sugden Co.	16,453.00
Seymour Construction Co.	17,026.00
Federal Construction Co.	Did not bid.
Standard Underground Cable Co.....	Did not bid.

that B. T. and J. J. Mack, Inc. are competent to perform the work; that the price is reasonable and the forms of the orders and the specifications are satisfactory from an engineering standpoint; and recommends that the said proposed purchasing agent's order be approved; and

Whereas, By endorsement dated November 8, 1923 the Auditor of Rapid Transit Costs has recommended that such work be classified as Equipment of the Railroad as described in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such work to be classified as Equipment of the Railroad, as described in said Contract No. 4.

1599—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Telephone Cables for Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 25, 1923, requesting approval of a proposed purchasing agent's order directed to the American Electrical works for furnishing 42,000 feet of paper insulated lead covered telephone cable for use in the Fourteenth Street-Eastern Line at a cost of \$9,826.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 3, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated October 25, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated October 24, 1923, directed to American Electrical Works, for the following:

4,000 Ft. 50 Pr. 19 Gauge Paper Insulated Lead Covered Telephone	37.9¢ Per Foot
16,000 Ft. 30 Pr. 19 Gauge Paper Insulated Lead Covered Telephone	26.5¢ Per Foot
22,000 Ft. 20 Pr. 19 Gauge Paper Insulated Lead Covered Telephone	18.5¢ Per Foot
F. O. B. 40th St. Sta. So. Bklyn Ry.	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 380"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated November 3, 1923, reported that the following bids were received for such work:

American Electrical Works.....	\$9,826.00
Standard Underground Cable Co.....	12,417.40
Safety Insulated Wire and Cable Co.....	Could not quote
Western Electric Co.	Could not quote
J. A. Roebling's Sons Co.....	Could not quote

that the American Electrical Works are competent to perform the work; that the prices are reasonable and the forms of the orders and the specifications are satisfactory from an engineering standpoint and recommend that under the provisions of Contract No. 4, approval be given to a proposal of New York Rapid Transit Corporation to place a purchasing agent's order with the American Electrical Works in form dated October 24, 1923, designated Approval No. 380 for the furnishing of certain lead covered telephone cable; and

Whereas, By endorsement dated November 8, 1923 the Auditor of Rapid Transit Costs has recommended that such work be classified as Equipment of the Railroad, as described in said Contract No. 4,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such work to be classified as Equipment of the Railroad as described in said Contract No. 4.

1600—R. T. 6685, 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Furnishing Escalator at Lawrence Street Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated October 25, 1923, requesting approval of a proposed purchasing agent's order directed to Otis Elevator Company, for furnishing and installing one escalator at the Lawrence Street Station, for the sum of \$25,300.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer dated November 7, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has by communication dated October 25, 1923, requested the approval of this Commission to the issuance of a proposed purchasing agent's order dated October 24, 1923 directed to Otis Elevator Company, for the following:

Furnish and install one (1) cleat step type escalator at Lawrence Street Station, Broadway-4th Avenue Line, in accordance with your proposal dated August 16, 1923.

For the sum of..... \$25,300.00 which proposed purchasing agent's order has been caused to be designated as "Approval No. 381"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated November 7, 1923, reported that under date of July 24, 1923 the Secretary of the Commission directed New York Rapid Transit Corporation to proceed with the installation of this escalator; that the price to be paid is reasonable and the best obtainable; that competitive bids were not obtained because the Otis Company is the only builder of escalators suitable for use in the subway, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs has, by endorsement dated November 8, 1923, recommended that the cost of such material be classified as Equipment of the Railroad as defined in said Contract No. 4;

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such work to be classified as Equipment of the Railroad as defined in said Contract No. 4.

1601—R. T. 6481

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Destination Signs for New Subway Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 26, 1923, requesting approval of a proposed purchasing agent's order directed

to Hunter Illuminated Car Sign Company for equipping fifty new subway cars with destination signs at a total cost of \$10,500.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 7, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad to be performed under Work Order No. MBA-25 heretofore assigned.

The following resolution was adopted:

Whereas, This Commission by resolution adopted July 17, 1923 as therein more particularly set forth, approved the proposed contract to be entered into between New York Rapid Transit Corporation as successor to the rights and obligations under the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, and PRESSED Steel Car Company for the manufacture and delivery of bodies and trucks for fifty (50) steel passenger cars, Series 4000-4049 together with the plans and specifications therefor and classified such material as Additional Equipment of the Railroad as more particularly defined in said Contract No. 4, and assigned thereto Work Order No. MBA-25; and

Whereas, Pursuant to the provisions of said Contract No. 4 and said proposed contract so approved as aforesaid, New York Rapid Transit Corporation by communication dated October 26, 1923 has submitted for the approval of this Commission proposed purchasing agent's order dated October 26, 1923 directed to Hunter Illuminated Car Sign Company, for the following:

For Equipping Subway Trailer Cars 4000 to 4049 Inclusive

- 50 Car Equipments of Side Window Destination Signs, (four double curtain signs per equipment) complete with all attachments and operating mechanisms ready for installation, same as furnished on N. Y. M. Corp. Receiver's order 20999 except destination curtains are to be printed with 31 printed exposures with 3 blanks as per list revised 9/15/23 instead of 27 names and 2 blanks; route curtains to be printed with 24 names and 2 blanks as per list revised 9/15/23; lettering on these double printed opaque curtains to be in 4" block type outside with 2" space between names—3" block type inside, exactly same style as previously furnished

\$52.50 Per Sign
F. O. B. Flushing

which proposed purchasing agent's order has been caused to be designated as "Approval No. 382"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated November 7, 1923 reported that such signs are standard for the subway cars of the New York Rapid Transit Corporation and are necessary for indicating to passengers the route and destination of the trains; competitive bids have never been asked for such signs; that the purchase price is reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated November 9, 1923, has recommended that the cost under said proposed purchasing agent's order be classified as Additional Equipment for the Railroad under Work Order No. MBA-25 assigned as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, such work to be classified as Additional Equipment for the Railroad under Work Order No. MBA-25 assigned as aforesaid.

1602—R. T. 7005, 7224

Contracts Nos. 3 & 4—Report by Consulting Engineer Dr. Lucke as to Problems Concerned for Supply of Power for Transit Service Operation—Approved

A report was presented from Consulting Engineer Dr. Charles E. Lucke approved by Acting Chief Executive Officer, George L. Lucas, dated October 8, 1923, as to the problems involved for supplying power for operation of the lines under Contracts Nos. 3 & 4 and submitting the following suggestions for improvement of conditions:

(a) A continuous power cost accounting system suitable as a guide for engineering judgments and conclusions on values of equipment or supplies used in generating power with annual summaries.

(b) A continuous power station record system to show all important capacities, efficiencies and losses, with annual summaries.

(c) A continuous power station inspection system to check reports on (b), and to provide facts on physical condition of equipment, its inspection and upkeep, with annual summaries compared with (e).

(d) A coal purchasing system based on value as measured by cost of steam.

(e) An equipment inventory periodically checked at regular intervals, and compared with (c).

(f) A prospective power demand determination, periodically checked and corrected according to new conditions, at regular intervals.

(g) A set of power plant plans for modernizing, improving costs, and increasing capacity in existing stations, in successive steps, and including ultimate limits, to be checked yearly against (a), (b), (c), (e) and (f).

(h) Plans for a first new power station, location, type, capacity and arrangement, with estimates of cost of installation and cost of operation, to be checked and modified periodically with reference to (f) and (g).

(i) Plans for exchange of power including purchase and sale, regularly or in emergency only, and with reference to all other power stations.

Upon motion duly seconded and adopted the report was approved.

1603—Cases 1264, 1380

The Long Island Railroad Company—Eliminations at Hempstead and Jamaica Turnpike et al.—Order Approving Detailed Plans for Five Bridges Adopted

The Secretary presented communications, dated October 4 and October 27, 1923, from L. V. Morris, Chief Engineer of The Long Island Railroad Company, submitting detailed plans of five bridges to be constructed in connection with the grade crossing eliminations directed by the Order in Cases Nos. 1264 and 1380, in the Borough of Queens.

The Secretary also presented a report, dated November 7, 1923, by C. J. Slipper, Assistant Engineer, approved by W. L. Selmer, Acting Chief, Bureau of Railroad Inspection, recommending the approval of said plans.

Thereupon the Commission adopted and ordered filed an Order in Cases Nos. 1264 and 1380, in the following form:

Present:

GEORGE McANENY,
Chairman, } Commissioners.
LEROY T. HARKNESS, }

IN THE MATTER

of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossing with the tracks of THE LONG ISLAND RAILROAD COMPANY:

Hempstead and Jamaica Turnpike

CASE No. 1264.

ORDER APPROVING DETAILED PLANS.

IN THE MATTER

of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossings with the tracks of THE LONG ISLAND RAILROAD COMPANY:

Bennett or Baylis Avenue
Wertland Avenue
Creed Avenue
Madison Avenue

CASE No. 1380.

The Public Service Commission having on or about the 8th day of December, 1911, adopted the orders and determinations herein as to changes in the grade crossings at the above named avenues and streets over the tracks of the Long Island Railroad Company having by communications under dates of October 4, 1923 and October 27, 1923, submitted for approval 21 detailed plans covering the details of the five bridges involved in said crossings, and the Commission having examined said plans, and it appearing that the same are satisfactory, it is hereby

Ordered, That the said plans described and identified as follows:

- Br. No. G.-130, Dwg. No. 1—Bennett Av.—Situation Plan dated Feb. 23, 1923
- Br. No. G.-130, Dwg. No. 2—Bennett Av.—Details of steel, revised Aug. 24, 1923
- Br. No. G.-130, Dwg. No. 3—Bennett Av.—Abutments—revised, Aug. 24, 1923
- Br. No. G.-130, Dwg. No. 4—Bennett Av.—Details of slab, dated Aug. 18, 1923
- Br. No. G.-131, Dwg. No. 1—Hempstead Turnpike—Situation Plan dated Nov. 26, 1922
- Br. No. G.-131, Dwg. No. 2—Hempstead Turnpike—Details of steel, revised Apr. 11, 1923
- Br. No. G.-131, Dwg. No. 3—Hempstead Turnpike—Abutments, revised June 11, 1923
- Br. No. G.-131, Dwg. No. 4—Hempstead Turnpike—Column pedestals revised Oct. 2, 1923
- Br. No. G.-131, Dwg. No. 5—Hempstead Turnpike—Details of slab dated Aug. 13, 1923
- Br. No. G.-135, Dwg. No. 1—Wertland Av.—Situation plan—dated Nov. 26, 1922
- Br. No. G.-135, Dwg. No. 2—Wertland Av.—Details of steel, revised Aug. 24, 1923
- Br. No. G.-135, Dwg. No. 3—Wertland Av.—Abutments, revised Aug. 8, 1923
- Br. No. G.-135, Dwg. No. 4—Wertland Av.—Details of slab, revised Sept. 15, 1923
- Br. No. G.-136, Dwg. No. 1—Creed Avenue—Situation plan—dated Dec. 20, 1922
- Br. No. G.-136, Dwg. No. 2—Creed Avenue—Details of steel, revised Aug. 25, 1923
- Br. No. G.-136, Dwg. No. 3—Creed Avenue—Abutments and column pedestals—revised Sept. 4, 1923

- Br. No. G.-136, Dwg. No. 4—Creed Avenue—Details of slab, dated Aug. 14, 1923
 Br. No. G.-138, Dwg. No. 1—Madison Av.—Situation plan, dated Nov. 26, 1922
 Br. No. G.-138, Dwg. No. 2—Madison Av.—Details of steel, revised May 3, 1923
 Br. No. G.-138, Dwg. No. 3—Madison Av.—Abutments & Column pedestals—revised Aug. 4, 1923
 Br. No. G.-138, Dwg. No. 4—Madison Av.—Details of slab—revised Aug. 30, 1923
 File No. G.-125, Dwg. No. 1—Retaining Walls—E1 & E2—revised July 19, 1923
 File No. G.-125, Dwg. No. 2—Retaining Walls—E1 & E4—revised May 23, 1923
 File No. G.-125, Dwg. No. 3—Retaining Walls—E1, E3, E6 & E8—revised June 7, 1923
 File No. G.-125, Dwg. No. 4—Retaining Walls—E5 & E14—revised June 6, 1923
 File No. G.-125, Dwg. No. 5—Retaining Walls—E7 & E12—revised June 26, 1923
 File No. G.-125, Dwg. No. 6—Retaining Walls—E9 & E16—revised June 7, 1923
 File No. G.-125, Dwg. No. 7—Retaining Walls—E18—revised May 24, 1923
 File No. X-G.-135, Dwg. No. 1—Queens Sta.—Wertland Av. Stairs—dated Aug. 13, 1923
 File No. X-G.-135, Dwg. No. 2—Queens Sta.—Creed Av. Stairs—dated Aug. 14, 1923
 File No. X-G.-135, Dwg. No. 3—Queens Sta.—West end of platform—dated Sept. 21, 1923
 File No. X-G.-135, Dwg. No. 4—Queens Sta.—East end of platform—dated Sept. 21, 1923
 Drawing No. 02806—Queens Station—Sheet Nos. 1, 2, 3, 4, 5, 6, 11, 12, 13, & 14 all dated Aug. 1, 1923
 File No. X-G.-129, Dwg. No. 1—Bellaire Sta.—Bellaire Blvd. Stairs—dated Sept. 21, 1923
 File No. X-G.-129, Dwg. No. 2—Bellaire Sta.—Bennett Av. Stairs—dated Sept. 21, 1923
 File No. X-G.-129, Dwg. No. 3—Bellaire Sta.—West End of Platform—dated Oct. 9, 1923
 File No. X-G.-129, Dwg. No. 4—Bellaire Sta.—East End of Platform—dated Oct. 9, 1923
 File No. Z-G.- Dwg. No. 1—Signal Bridge Foundations Hillside to Floral Park Z-G. 110 to Z-G. 150—dated June 14, 1923
 File No. Z-G.- Dwg. No. 3—Signal Bridges Z-G. 110, 113, 124, 128, 134, 135, 144 and 150, dated Aug. 17, 1923
 Plan No. 840-K—Queens Elimination—General Plan dated 3-10-23
 Drawing No. 840-N—Profiles of drainage at Creed and Wertland Avenues—dated Aug. 10, 1923

be and the same hereby are approved.

Further Ordered, That this approval shall not be deemed as binding upon the State of New York or the City of New York to pay any share of the cost of any additions and betterments to the railroad over and above such work as is necessary to carry the said streets across the tracks of the said railroad.

By the COMMISSION,
 JAMES B. WALKER,
 Secretary.

1604—Case 1379

Richmond Light and Railroad Company—Monthly Reports—Extension Order Adopted

The Secretary presented a communication, dated November 7, 1923, from the Richmond Light and Railroad Company asking for an extension of time to November 14, 1923, in which to file monthly report for August, 1923.

The Secretary also presented a report, dated November 12, 1923, by H. S. Fischer, Statistician, approved by the Chief, Bureau of Accounting and Valuations, recommending the granting of the application.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1379, granting the desired extension of time to November 14, 1923.

1605—Case 2684

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which Cross Island Boulevard (Squire Street) Shall Cross Company's Tracks—Order Approving Detailed Plans Adopted

The Secretary presented a communication, dated October 4, 1923, from L. V. Morris, Chief Engineer, The Long Island Railroad Company, submitting for approval four detailed plans, showing general location, details of steel abutments, column pedestals and details of bridge slab, in connection with the elimination directed by the Order in Case No. 2684, adopted May 29, 1923.

The Secretary also presented a report, dated November 7, 1923, by C. J. Slipper, Assistant Engineer, approved by W. L. Selmer, Acting Chief, Bureau of Railroad Inspection, recommending the approval of said plans.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2684, in the following form:

Present:

GEORGE McANENY, Chairman,	} Commissioners.
LEROY T. HARKNESS,	

IN THE MATTER
of the

Application of the City of New York for a determination as to the manner in which Cross Island Boulevard (Squire Street) shall be carried across the Main Line of THE LONG ISLAND RAILROAD COMPANY.

CASE No. 2684.
ORDER APPROVING DETAILED
PLANS.

The Commission having by order herein adopted May 29, 1923 determined the method by which Cross Island Boulevard (Squire Street) should be carried across the property of the main line division of the Long Island Railroad Company, namely by carrying said street across said tracks under the same, such tracks to be reconstructed by raising the same from their present elevation as prescribed in said order,

And the Long Island Railroad Company having by communication dated October 4, 1923 submitted for the approval of the Commission, four (4) detailed plans hereinafter described and the said plans having been examined by the Commission, and it appearing that the same are satisfactory, it is hereby

Ordered, That the said plans described and identified as follows:

- Br. No. G-126, Dwg. No. 1—Situation Plan, revised May 25th, 1923.
- Br. No. G-126, Dwg. No. 2—Details of steel, revised May 3rd, 1923.
- Br. No. G-126, Dwg. No. 3—Abutments & column pedestals, revised June 7th, 1923.
- Br. No. G-126, Dwg. No. 4—Details of slab, dated Aug. 13, 1923.

be and the same hereby are approved.

Further Ordered, That the approval of these plans shall not be deemed as binding the State of New York or the City of New York to pay any share of the cost of any additions and betterments to the railroad over and above such work as is necessary to the carrying of the said street across the said railroad.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1606—Case 2685

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which 211th Street (Bellaire Boulevard) Shall Cross Company's Tracks—Order Approving Detailed Plans Adopted

The Secretary presented a communication, dated October 4, 1923, from L. V. Morris, Chief Engineer, The Long Island Railroad Company, submitting for approval four detailed plans, showing general location, details of steel abutments and column pedestals and details of bridge slab, in connection with the elimination directed by the Order in Case No. 2685, adopted May 29, 1923.

The Secretary also presented a report, dated November 7, 1923, by C. J. Slipper, Assistant Engineer, approved by W. L. Selmer, Acting Chief, Bureau of Railroad Inspection, recommending the approval of said plans.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2685, in the following form:

Present:

GEORGE McANENY, Chairman,	} Commissioners.
LEROY T. HARKNESS,	

IN THE MATTER
of the

Application of the City of New York for a determination as to the manner in which 211th Street (Bellaire Boulevard) shall be carried across the Main Line of THE LONG ISLAND RAILROAD COMPANY.

Case No. 2685.

ORDER APPROVING DETAILED
PLANS.

The Commission having by order herein dated the 29th day of May, 1923, determined the method of carrying 211th Street (Bellaire Boulevard) across the main line of the Long Island Railroad Company, namely by carrying the same under the said railroad tracks, such tracks to be reconstructed by raising the same from their present elevation as stated in said order;

And the Long Island Railroad Company having by communication dated October 4, 1923, submitted for the approval of the Commission four (4) detailed plans hereinafter described, and the Commission having examined said plans, and it appearing that same are satisfactory, it is hereby

Ordered, That the said plans described and identified as follows:

Br. No. G-128, Dwg. No. 1—Situation Plan, revised May 22nd, 1923.

Br. No. G-128, Dwg. No. 2—Details of steel, revised August 25th, 1923.

Br. No. G-128, Dwg. No. 3—Abutments and Column pedestals, revised May 23rd, 1923.

Br. No. G-128, Dwg. No. 4—Details of slab, dated August 14th, 1923.

be and the same hereby are approved.

Further Ordered, That the approval of these plans shall not be deemed as binding the State of New York or the City of New York to pay any share of the cost of any additions and betterments to the railroad over and above such work as is necessary to the carrying of the said street across the said railroad.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1607—Case 2657

The Long Island Railroad Company—Application of The City of New York for Determination as to the Manner in Which 192nd Street (Lancaster Avenue) Shall Cross Company's Tracks on Flushing and North Side Division—Report and Opinion Approved—Final Order and Determination Adopted

The Secretary presented a Report and Opinion, dated October 30, 1923, in Case No. 2657, by George L. Lucas, Acting Chief Executive Officer, recommending that 192nd Street (Lancaster Avenue) in the Borough of Queens, be extended across the tracks of the Flushing and North Side Division of The Long Island Railroad Company, by means of a temporary overhead foot bridge.

Thereupon the above mentioned Report and Opinion was approved and an Order in Case No. 2657 adopted and ordered filed in the following form:

Present:

GEORGE MCANENY,	} Commissioners.
Chairman,	
LEROY T. HARKNESS,	

IN THE MATTER
of the

Application of the Board of Estimate and Apportionment of the City of New York, for a determination as to the manner in which a temporary crossing for pedestrians should be carried across the tracks of the Flushing and Northside Division of The Long Island Railroad Company at 192nd Street (Lancaster Avenue) in the Borough of Queens.

Case No. 2657.

FINAL ORDER AND
DETERMINATION.

The Board of Estimate and Apportionment having by resolution dated April 21, 1922, made application to the Commission for a determination as to the manner in which a temporary crossing for pedestrians should be carried across the tracks of the Flushing and Northside Division of The Long Island Railroad Company at 192nd Street (Lancaster Avenue), in the Borough of Queens, and the Transit Commission having on May 23, 1922, adopted an Order directing that a hearing on said application be held on the 24th day of October, 1923, and having designated and certified George L. Lucas, Acting Chief Executive Officer, to conduct said hearing, and the same having been held before said George L. Lucas, on the 24th day of October, 1923, and he having made his report, dated October 30, 1923, and said report having been approved and adopted by the Commission on November 13, 1923, it is

Ordered and Determined, That 192nd Street (Lancaster Avenue), in the Borough of Queens, should be carried across the tracks of the Flushing and Northside Division of The Long Island Railroad Company upon a temporary Overhead bridge for pedestrian traffic, to be constructed by The Long Island Railroad Company, substantially in accordance with the dimensions, grades and clearances shown upon the map offered in evidence in this proceeding as Exhibit 5 and described as "Long Island Railroad, North Side Division, Footbridge at Auburndale Station," dated October 17, 1923 file number N-100, Sketch A.

Further Ordered, That the actual work of construction should be done by The Long Island Railroad Company, that detailed plans and specifications thereof be submitted for the approval of the Commission and that contracts, if any, similarly submitted, and the division of expense and reconstruction to be reserved for determination by the Commission upon the accounting or accountings provided by the Grade Crossing Act.

Further Ordered, That The Long Island Railroad Company shall notify the Commission within five (5) days after the receipt of a certified copy of this Order whether the terms thereof are accepted and will be obeyed.

Further Ordered, That this Order take effect at once.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1608—Cases 2684, 2685, 1264, 1380

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which Cross Island Boulevard (Squire Street) Shall Cross Company's Tracks—(Case No. 2684)

Application of The City of New York for Determination as to Manner in Which 211th Street (Bellaire Boulevard) Shall Cross Company's Tracks—(Case No. 2685)

Eliminations at Hempstead and Jamaica Turnpike et al.—(Cases Nos. 1264 & 1380)—Order Approving Contract with Shoemaker Bridge Company for Furnishing Structural Steel for Seven Railroad Bridges Adopted

The Secretary presented a communication, dated April 16, 1923, from L. V. Morris, Chief Engineer, The Long Island Railroad Company, submitting copy of bids received for seven bridges to be erected in connection with the eliminations ordered in Cases Nos. 2684, 2685, 1264 and 1380, together with contract, dated March 27, 1923, with the Shoemaker Bridge Company of Pottstown, Pa., the lowest bidder for the steel work at 3.66¢ f. o. b. Richmond Hill.

The Secretary also presented a report, dated November 7, 1923, by C. J. Slipper, Assistant Engineer, approved by W. L. Selmer, Acting Chief, Bureau of Railroad Inspection, recommending approval of contract work with the Shoemaker Bridge Company.

Thereupon the Commission adopted and ordered filed an Order in Cases Nos. 2684, 2685, 1264 and 1380, in the following form:

Present:

GEORGE McANENY,
Chairman, } Commissioners.
LEROY T. HARKNESS, }

IN THE MATTER

of the

Application of the City of New York for a determination as to the manner in which Cross Island Boulevard (Squire Street) shall be carried across the Main Line of THE LONG ISLAND RAILROAD COMPANY.

CASE No. 2684.

IN THE MATTER

of the

Application of the City of New York for a determination as to the manner in which 211th Street (Bellaire Boulevard) shall be carried across the Main Line of THE LONG ISLAND RAILROAD COMPANY.

CASE No. 2685.

IN THE MATTER

of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossing with the tracks of THE LONG ISLAND RAILROAD COMPANY:
Hempstead and Jamaica Turnpike

CASE No. 1264.

IN THE MATTER
of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossings with the tracks of THE LONG ISLAND RAILROAD COMPANY:

Bennett or Baylis Avenue
Wertland Avenue
Creed Avenue
Madison Avenue

CASE No. 1380.
ORDER APPROVING CONTRACT
FOR STRUCTURAL STEEL.

The Commission having adopted orders and determinations in these proceedings as to the crossings of the above named avenues and streets across the tracks of the Long Island Railroad Company, and the Commission having heretofore adopted certain orders approving plans for the construction of the bridges involved in such crossings, and the Long Island Railroad Company having by communication dated April 16, 1923 submitted for approval, a contract or agreement with the Shoemaker-Satterthwait Bridge Co. of Pottstown, Pa. to furnish the structural steel for the seven railroad bridges included in the above mentioned cases, and the said agreement having been examined by the Commission, and it appearing that the same is satisfactory and that the bid therein contained is reasonable, it is hereby

Ordered, That the contract between the Long Island Railroad Company and the Shoemaker-Satterthwait Bridge Co. of Pottstown, Pa., bearing date the 27th day of March, 1923, be and the same hereby is approved.

Further Ordered, That this approval shall not bind the State of New York or the City of New York to pay any share of the cost of any additions and betterments to the railroad over and above such work as is necessary to the carrying of the said streets across the said railroad tracks.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1609—Case 2704

Manhattan Railway Company and Interborough Rapid Transit Company, Lessee—Application for Determination That Public Convenience and Necessity Require Certain Structures at 42nd Street and Third Avenue, Manhattan—Letter from Frank Hedley, President, Interborough Rapid Transit Company, Transmitting Petition of Manhattan Railway Company—Report by Counsel—Referred to Counsel

The Secretary presented a letter, dated November 8, 1923, from Frank Hedley, President and General Manager of the Interborough Rapid Transit Company, reading as follows:

Transit Commission,
49 Lafayette Street,
New York City.

Dear Sirs:

Herewith in pursuance to your suggestion I hand you a formal application for a determination and certification in respect to matters connected with the removal of the 42nd Street spur which under Chapter 788 of the Laws of 1917, Chapter 611 of the Laws of 1919 and Chapter 635 of the Laws of 1923, were delegated by these acts to the discretion and determination of the Public Service Commission. No hearing or determination has been had subsequent to the passage of Chapter 635 of the Laws of 1923, which exempts from condemnation all structures and franchises in said area determined by the Transit Commission to be necessary in order to insure the maintenance and operation of the Third Avenue Line.

The power of condemnation is limited to structures in said area which constitute "the existing 42nd Street spur." Portions of the structure in said area clearly do not form part of the spur and are absolutely necessary to the maintenance of the Third Avenue Line.

The obligation of obtaining the necessary determination in matters left subject to the discretion of the Transit Commission was by the said acts placed upon the City of New York. This legislation was drafted by the Corporation Counsel and the Interborough and Manhattan Companies having regard to their obligation to the public as common carriers have not in any way or at any time acquiesced in the removal of the free transfer facilities afforded by the spur, at least until further provision be made for transit relief in this section of the City. The City has contented itself with securing a certification in general terms that all railway structures in 42nd Street should be removed. This determination was had prior to the passage of Chapter 635 of the laws of 1923 and is clearly insufficient either to accomplish the purpose of that act or of previous legislation. Section 1 of this act has never been modified, yet it embodies the clear intent of the legislature that the Transit Commission should determine the terms and conditions of the removal which shall be, as the act states, by the Manhattan Company. Any other procedure would not be in the interest of public necessity, convenience or safety, and the City can be effectually protected by provisions similar to those embodied by the City itself in the legislation providing for the reconstruction of the elevated railway in Division Street.

It has been repeatedly recognized by the legislature, the City and your honorable body, that where elevated railway structures are to be altered under conditions of operation the operating company should have charge of the work. This is the clear and expressed intent of the existing legislation. The legislation also provides that the removal shall be without prejudice to the right and obligation of the Manhattan Company to restore under its existing franchises the structures that hereafter may be deemed desirable in the public interest. No mode of such determination is provided in the act other than the provision that the certificate of the Commission shall "include such terms or conditions as may be necessary or proper to accomplish such removal and restoration." While this Company is reluctant to be placed in a position of furthering the removal of the spur, in view of its consistent attitude that it should not be removed until other relief is provided, orderly procedure requires a further determination and certification by the Commission.

It is understood that Drawing I. R. T. Co. No. 22941 referred to in the attached petition, has been informally approved by the property owners and by the City, and it would seem that a determination might be had in the near future which would clear up questions of doubt which have arisen with regard to the legality of the pending proceeding to condemn all structures within the area defined in Chapter 635 of the Laws of 1923, which has been attempted in the absence of any action by the Commission defining what portions of the structure within said area constitute the 42nd Street spur, or what structures it may be necessary to preserve or provide within said area in order to prevent the impairment of the operation of the Third Avenue Line and great inconvenience to the travelling public.

Interborough Company would be glad to enter into any stipulation which would facilitate action or waive any mere technical grounds of objection in said proceeding, but it deems it to be clear that further action by the Commission supplementary to its previous certification is essential to further and valid procedure, and I have, therefore, requested that the determination of the Commission should be comprehensive upon all matters within the purview of the said legislation. Imperfections in legislation prior to that of 1923 have concededly been the occasion of protracted delay. This company has promptly called attention to the legal deficiencies of previous legislation in the interest of orderly procedure and it recognizes that the Commission has determined, after a full presentation of the facts, that the portions of the structure not necessary to the operation of the Third Avenue Line should be removed. His honor, Mayor Hylan, when last Spring it was pointed out to the Board of Estimate and Apportionment, that circumstances had changed and transit relief had been so delayed beyond the expectations entertained at the time of the Commission's determination, stated that a reconsideration of the whole matter should be had before final action.

We have not insisted upon such reconsideration and do not now request it. The matter has been determined on the merits and this Company now merely desires to avoid unnecessary and protracted litigation which we feel must inevitably result from

the failure to obtain the further authorization and certification of your honorable body which we now request.

Yours very truly,
FRANK HEDLEY,
President and General Manager.

The Secretary also presented the petition dated November 9, 1923, of the Manhattan Railway Company, referred to in Mr. Hedley's letter, together with a report dated November 13, 1923, by Counsel to the Commission, recommending that the matter be referred to Counsel to take up with the companies concerning the form of the petition.

Thereupon the above mentioned papers were referred to Counsel to the Commission.

1610—Case 2703

The New York Central Railroad Company—Application of Company for Determination as to Manner in Which Certain Streets Shall Cross Railroad on West Side of Manhattan Island from St. Johns Park to Harlem Ship Canal—Hearing Order Adopted

Upon report from the Committee of the Whole the Commission again took under consideration the petition verified October 9, 1923, of The New York Central Railroad Company, asking for an order of the Transit Commission determining the elimination of certain street crossings by its railroad at grade on the West Side of Manhattan Island, from the southerly terminus of said railroad at St. Johns Park to the Harlem Ship Canal, formerly Spuyten Duyvil Creek.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2703 in the following form:

Present:

GEORGE McANENY,
Chairman, } Commissioners.
LEROY T. HARKNESS, }

IN THE MATTER
of the

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY, for an Order of the Transit Commission determining the elimination of certain street crossings by its railroad at grade on the west side of Manhattan Island, from the southerly terminus of said railroad at St. Johns Park, to the Harlem Ship Canal, formerly Spuyten Duyvil Creek.

CASE No. 2703.
HEARING ORDER.

A petition verified October 9, 1923, having been filed with the Commission by The New York Central Railroad Company for an Order determining the elimination of certain street crossings by its railroad at grade on the west side of Manhattan Island from the southerly terminus of said railroad at St. Johns Park to Harlem Ship Canal, formerly Spuyten Duyvil Creek,

Ordered, That a hearing be held on said petition by and before the Commission on the 26th day of November, 1923, at 2:30 P. M., in the hearing room of the Commission, No. 49 Lafayette Street, Borough of Manhattan, City of New York.

Further Ordered, That notice of this hearing be given to The City of New York and The New York Central Railroad Company, by service of a certified copy of this

Order with a copy of said petition upon said municipality and the railroad company, on or before November 16, 1923.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

The Chairman stated that the Public Service Commission would sit with the Transit Commission at the same time to hear an application by The New York Central Railroad Company relative to the electrification of its railroad on the West Side of Manhattan, pursuant to the provisions of Section 53-A of the Public Service Commission Law.

1611—Cases 1264, 1380

The Long Island Railroad Company—Eliminations at Hempstead and Jamaica Turnpike et al.—Resolution of Board of Estimate and Apportionment Appropriating \$70,000, City's Share of Partial Payment—Filed

The Secretary presented a communication, dated November 5, 1923, from James Matthews, Assistant Secretary, Board of Estimate and Apportionment, transmitting certified copy of resolution adopted by the Board on October 26, 1923, reading as follows:

(Cal. No. 193)

Whereas, A final order and determination was made by the Public Service Commission for the First District on December 8, 1911, and modified by the order of the Transit Commission on December 7, 1922, determined the manner in which the following grade crossings with the tracks of the Long Island Railroad Company should be altered or changed: Hempstead and Jamaica turnpike, Bennett or Baylis avenue, Wertland avenue, Creed avenue and Madison avenue, in the Borough of Queens; and

Whereas, Under date of September 7, 1923, the Secretary of the Transit Commission, in connection with

"Case No. 1264—Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossing with the tracks of the Long Island Railroad Company:

"Hempstead and Jamaica turnpike."

—and

"Case No. 1380—Hearing on motion of the Commission on the question of alterations and changes in the following grade crossings with the tracks of the Long Island Railroad Company:

"Bennett or Baylis avenue.

"Wertland avenue.

"Creed avenue.

"Madison avenue."

—transmitted to the Board of Estimate and Apportionment and served upon The City of New York a certified copy of a resolution adopted by the said Commission on September 6, 1923, authorizing certificate of partial performance of work and payment on account of work of elimination of grade crossings with tracks of the Long Island Railroad Company at Hempstead and Jamaica turnpike, Bennett or Baylis avenue, Wertland avenue, Creed avenue and Madison avenue, in the Borough of Queens, and certifying that work to the extent of at least \$338,123.23 has been properly performed by the Long Island Railroad Company on account of the necessary work of carrying out the provisions of said order and determination, subject to the proviso that the rights of the Transit Commission and of The City of New York to object to or contest any of the items or expenditures set forth at a hearing on partial accounting held on August 15, 1923, be reserved without prejudice to object to or contest any of such items or expenditures upon future partial or final accountings in said matter, and that no party shall upon future partial or final accountings therein be precluded from contesting any expenditures made or hereafter to be made during the entire performance of the work necessary to comply with said order as modified aforesaid; and directing

a payment to the Long Island Railroad Company of \$70,000, pursuant to the provisions of the Railroad Law, as a proper and conservative payment on account of the balance due or to become due from The City of New York to the Long Island Railroad Company as its share of said work; now therefore be it

Resolved, That the Board of Estimate and Apportionment hereby accepts said certificate and authorizes the Comptroller to pay said sum of seventy thousand dollars (\$70,000); said payment to be made from the proceeds of special revenue bonds of The City of New York, to be issued pursuant to the provisions of subdivision 7 of section 188 of the Greater New York Charter and redeemable from the tax levy of the year succeeding the year of their issue.

A true copy of resolution adopted by the Board of Estimate and Apportionment, October 26, 1923.

JAMES MATTHEWS,
Assistant Secretary.

Thereupon the above mentioned papers were ordered filed in Cases Nos. 1264 and 1380.

1612—R. T. 7591

**Route No. 70-C—Communication from Board of Estimate and Apportionment
Concurring in Withdrawal of Route and General Plan for Bedford Avenue,
Fulton Street and Livingston Street Route—Filed**

The following communication from the Board of Estimate and Apportionment was ordered filed:

November 9, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Gentlemen:

Your communication dated November 7, 1923, withdrawing from further consideration by the Board the route and general plan of the Bedford Avenue, Fulton Street and Livingston Street Route (Route No. 70-C), was this day presented to the Board and the Board concurred in the withdrawal.

Very truly yours,
PETER J. MCGOWAN,
Secretary.

1613—R. T. 7591

**Route No. 70-D—Communication from Board of Estimate and Apportionment
Concurring in Withdrawal of Route and General Plan for Bedford Avenue-
Brighton Beach Railway Connection—Filed**

The following communication from the Board of Estimate and Apportionment was ordered filed:

November 9, 1923.

TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Gentlemen:

Your communication dated November 7, 1923, withdrawing from further consideration by the Board the route and general plan of the Bedford Avenue-Brighton Beach Railway Connection (Route No. 70-D), was this day presented to the Board and the Board concurred in the withdrawal.

Very truly yours,
PETER J. MCGOWAN,
Secretary.

1614

Street Changes—Certified Copies of Resolutions of Board of Estimate and Apportionment Authorizing Removal of Encroachments and Widening of Roadways and Sidewalks on Fifth Avenue from 58th to 60th Streets and on East 56th Street from Park Avenue to Fifth Avenue, Borough of Manhattan—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on November 2, 1923, were ordered filed:

(Cal. No. 73-A)

Resolved, By the Board of Estimate and Apportionment, that the widths of the roadway and sidewalks on 5th avenue from the north curb line of 58th street to the north curb line of 60th street, Borough of Manhattan, be established as follows:

The roadway shall be centrally located and shall have a width of 55 feet.

The width of the sidewalk on the easterly side of the roadway shall be 22.5 feet; and be it further

Resolved, That all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which interfere with the proper support of the roadway, curb, and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 73-B)

Whereas, The entire width of 5th avenue between 58th street and 60th street, Borough of Manhattan, is required for public purposes; be it

Resolved, By the Board of Estimate and Apportionment that all ordinances, permits or licenses heretofore adopted or granted by The City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of 5th avenue between 58th street and 60th street, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 76-A)

Resolved, By the Board of Estimate and Apportionment, that the widths of the roadway and sidewalks on East 56th street from the west curb line of Park avenue to the east curb line of 5th avenue, Borough of Manhattan, be established as follows:

The roadway shall be centrally located and shall have a width of thirty-four (34) feet.

The width of the sidewalks on each side of the roadway shall be thirteen (13) feet; and be it further

Resolved, That all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license or which purport to permit or license encroachments of any nature which interfere with the proper support of the roadway, curb, and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 76-B)

Whereas, The entire width of East 56th street between Park avenue and 5th avenue, Borough of Manhattan, is required for public purposes; be it

Resolved, By the Board of Estimate and Apportionment, that all ordinances, permits or licenses heretofore adopted or granted by The City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of East 56th street between Park avenue and 5th avenue, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1615—R. T. 6416

Routes Nos. 36 & 37, Section No. 1—Statement as to Execution and Delivery of Original Agreement for Rearrangement of Signals and Interlocking East of Queens Plaza Station—Agreement Filed

The Commission ordered filed an original agreement between the Transit Commission and the Interborough Rapid Transit Company, dated October 11, 1923, providing for the rearrangement of signals and interlocking east of the Queens Plaza Station of the Queensboro Subway Rapid Transit Railroad, so as to provide facilities for the joint operation of the Queens Lines, which agreement had been executed on behalf of both parties and delivered on November 9, 1923.

1616—R. T. 7657

Contract No. 1—Statement as to Execution and Delivery of Original Agreement for Construction of Turnstile at South End of Northbound Platform of Prospect Avenue Station—Agreement Filed

The Commission ordered filed an original agreement between the Transit Commission and the Interborough Rapid Transit Company, dated November 2, 1923, providing for the construction of an exit turnstile at the south end of the northbound platform of the Prospect Avenue Station of the Manhattan-Bronx Rapid Transit Railroad, which agreement had been executed on behalf of both parties and delivered on November 12, 1923.

1617—R. T. 7653

Agreement "CN"—Notice by Chief Engineer of Commencement of Work for Changes in Subway Structure, so as to Permit Widening of West 32nd Street and for Construction of Ventilation Flue at West 32nd Street and Broadway—Filed

The Commission ordered filed a notice from the Chief Engineer, dated November 10, 1923, advising of the commencement of work by Slattery Engineering and Construction Company, Inc., on November 7, 1923, for making changes in the subway structure on Broadway, incidental to the widening of West 32nd Street and for the construction of a ventilation flue at West 32nd Street and Broadway—Agreement "CN".

1618

Employees' Calendar No. 175

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Thomas J. Kenny, transit inspector, at \$125.08 per month, to take effect November 13, 1923; Patrick F. Rooney, junior assistant, at \$125.08 per month to take effect November 7, 1923; Leonard Rosenthal, stenographer, at \$90.00 per month, to take effect November 12, 1923.

Appointments under Rule VIII:4—Oscar Brenner, inspector of plumbing, at \$175.08 per month, to take effect November 16, 1923; Joseph P. Brach, junior assistant, at \$125.08 per month, to take effect November 8, 1923; Edward T. Crinnion, junior assistant, at \$125.08 per month, to take effect November 7, 1923; Francis L. Garland, junior assistant, at \$125.08 per month, to take effect November 12, 1923; William Gelbman, junior assistant, at \$125.08 per month, to take effect November 7, 1923; Roger M. Hole, junior assistant, at \$125.08 per month, to take effect November 12, 1923; Augustus Miller, junior assistant, at \$125.08 per month, to take effect November 8, 1923; Kenneth H. Minch, draftsman, at \$175.08 per month, to take effect November 7, 1923; Nicholas S. Mogavero, junior assistant, at \$125.08 per month, to take effect November 7, 1923; Nathan November, draftsman, at \$175.08 per month, to take effect November 9, 1923; George F. Porter, draftsman, at \$175.08 per month, to take effect November 7, 1923; Louis B. Roggins, draftsman, at \$175.08 per month, to take effect November 8, 1923; Bernard Wohlfert, junior assistant, at \$125.08 per month, to take effect November 8, 1923; David Yale, junior assistant, at \$125.08 per month, to take effect November 13, 1923; Jay M. Zentner, draftsman, at \$175.08 per month, to take effect November 8, 1923.

Resignations—Louis Blatt, junior electrical engineer, at \$162.50 per month, to take effect November 19, 1923; Oscar Brenner, chauffeur, at \$175.00 per month, to take effect November 15, 1923; Michael Conroy, junior assistant, at \$125.08 per month, to take effect November 10, 1923; Charles Monheit, junior clerk, at \$60.00 per month, to take effect November 3, 1923.

Termination of Appointment under Rule VIII:4—Edward Wegmann, draftsman, at \$175.08 per month, to take effect November 15, 1923.

Change of Rate—John McCarthy, chauffeur, from \$30.00 per week, to \$135.00 per month, to take effect November 16, 1923.

Change of Item in Resolution of October 2, 1923, Concerning Nicholas S. Mogavero so as to Read as Follows: (Appointment under Rule XIII:4)—Nicholas S. Mogavero, junior assistant, at \$125.08 per month, to take effect October 1, 1923.

Change of Item in Resolution of October 16, 1923, Concerning Nicholas S. Mogavero so as to Read as Follows: (Termination of Appointment under Rule XIII:4)—Nicholas S. Mogavero, junior assistant, at \$125.08 per month, to take effect October 16, 1923.

Leaves of Absence with Pay—Richard H. Burton, engineer accountant, from October 17, 1923, to October 29, 1923; Alice D. Cunningham, accountant, from October 22, 1923, to October 27, 1923; Bella Hollander, clerk, from October 10, 1923, to October 16, 1923; Sander Schwartz, assistant engineer, from September 19, 1923, to October 24, 1923.

Voucher Schedule No. 47

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, the Brooklyn-Manhattan Transit Corporation, and the South Brooklyn Railway Company, as the vouchers may direct:

Vouchers Nos. 1019-1030, open market orders, \$560.32; Vouchers Nos. 543-550, miscellaneous bills, \$981.35.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

- Voucher No. 298; Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 14, for the construction of inspection shed enclosure for Route No. 18, 180th Street Yard, from October 1, 1923 to October 31, 1923 (R. T. 7457) \$8,277.96;
- Voucher No. 300; Frederick L. Cranford, Inc.; approximate estimate No. 7 for the construction of Section No. 6-A-1 of route No. 8, from October 1, 1923 to October 31, 1923 (R. T. 7667) \$31,705.98;
- Voucher No. 301; Powers-Kennedy Contracting Corporation; approximate estimate No. 17, for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Routes Nos. 35 and 67, from October 1, 1923 to October 31, 1923 (R. T. 7584) \$77,573.08;
- Voucher No. 302; Oakdale Contracting Co., Inc.; approximate estimate No. 6 for the construction of a part of a rapid transit railroad, Route No. 52, Section No. 3, Flushing Line, from October 1, 1923 to October 31, 1923 (R. T. 7673) \$69,969.42;
- Voucher No. 303-BMT; M. A. Charles; approximate estimate No. 3 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, in the Borough of Brooklyn, Agreement "CJ" (R. T. 7648) \$187.09;
- Voucher No. 303-SBR; M. A. Charles; approximate estimate No. 3 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets in the Borough of Brooklyn, Agreement "CJ", from October 1, 1923 to October 31, 1923 (R. T. 7648) \$187.09;
- Voucher No. 303; M. A. Charles; approximate estimate No. 3 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, Agreement "CJ", from October 1, 1923 to October 31, 1923 (R. T. 7648) \$374.17;
- Voucher No. 304; Jobson-Gifford Co.; approximate estimate No. 5 for making changes in steel work at easterly approach to the Queens Plaza station, Routes Nos. 36 and 37, Section No. 1, from October 1, 1923 to October 31, 1923 (R. T. 7585) \$7,709.26;
- Voucher No. 305; Joslin Construction Co., Inc.; approximate estimate No. 15 for the reconstruction of a part of the Queensboro Subway Rapid Transit Line, Route No. 26, Jackson Avenue station, from October 1, 1923 to October 31, 1923 (R. T. 7556) \$8,116.99;
- Voucher No. 306; Otis Elevator Co.; approximate estimate No. 5 for furnishing and installing two electric passenger elevators in the new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad from October 1, 1923 to October 31, 1923 (R. T. 7623) \$8,865.45;
- Voucher No. 307; Holbrook, Cabot & Rollins Corporation; approximate estimate No. 17 for the construction of a new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad from October 1, 1923 to October 31, 1923 (R. T. 6114) \$9,953.16;
- Voucher No. 308; Slattery Engineering & Construction Co., Inc.; approximate estimate No. 12, for the construction of additional approach track to the Lenox Avenue and 148th Street Yard, under Contract No. 3 (R. T. 7366) \$6,540.62;
- Voucher No. 309; Jacob Schlesinger, Inc.; approximate estimate No. 5, for the construction of inspection shed and service buildings at the Jerome Avenue Yard, Route No. 16, from October 7, 1923 to November 6, 1923 (R. T. 7636) \$2,966.22;
- Voucher No. 310; Gustin-Morris Contracting Corporation; approximate estimate No. 7 for the construction of foundations, Route No. 52, Section No. 1, Flushing Route, from October 1, 1923 to October 31, 1923 (R. T. 7600) \$6,085.50;

Voucher No. 299; Jacob Schlesinger, Inc.; approximate estimate No. 5 for making changes in Subway structures necessitated by the widening of 60th Street between 2nd and 5th Avenues, Borough of Manhattan, from September 26, 1923 to October 25, 1923 (R. T. 7639) \$7,622.73.

1620

Hearing

The following hearing was adjourned:

Case No. 2699; Manhattan Bus Corporation; Application for a certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan. Adjourned to December 4, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, November 15, 1923

1621

Hearing

The following hearing was adjourned:

10:30 A. M.; Cases No. 2697 and 2698; Interborough Rapid Transit Company and New York Rapid Transit Corporation; Hearing on motion of the Commission as to the construction, apparatus, equipment, facilities or devices used or to be used by the companies in connection with the transportation of passengers and property with particular reference to the installation of an experimental one mile of block signals on the local tracks of the elevated portions of the lines of said companies. James B. Walker, Secretary, designated to conduct this hearing, presided. Adjourned to November 19, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, November 19, 1923

1622

Hearing

The following hearing was held:

2:30 P. M.; Cases Nos. 2697 and 2698; Interborough Rapid Transit Company and New York Rapid Transit Corporation; Hearing on motion of the Commission as to the construction, apparatus, equipment, facilities or devices used or to be used by the companies in connection with the transportation of passengers and property with particular reference to the installation of an experimental one mile of block signals on the local tracks of the elevated portions of the lines of said companies. James B. Walker, Secretary, designated to conduct this hearing, presided. Adjourned to November 20, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, November 20, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1623—R. T. 7707

Route No. 16—Report by Chief Engineer as to Receipt of Bids for Installation of Tracks in Part of the Jerome Avenue Yard and Recommendation for Award of Contract to Slattery Engineering and Construction Company, Inc., at Bid Price of \$59,878.75—Approval Resolution—Requisition on Board of Estimate and Apportionment for Appropriation of \$61,000

The following report was approved:

November 16, 1923.

TO TRANSIT COMMISSION:

*Proposed Contract for the Installation of Tracks—Part of Jerome Avenue Yard
Route No. 16.*

As previously reported the result of the bids received on November 13th for the installation of tracks in part of the Jerome Avenue Yard, resulted as follows:

Slattery Engineering & Construction Co., Inc.....	\$59,878.75
Thomas Crimmins Contracting Co.....	67,749.20
T. H. Reynolds Contracting Co., Inc.....	74,304.05
McElroy & Kerwin	79,171.50
B. T. & J. J. Mack	82,934.10

The low bidder, the Slattery Engineering & Construction Co., Inc. was examined in my office on November 15th and I believe he is competent and financially able to carry out this contract. This firm has previously done work of the same character for us in a satisfactory manner. Their bid is very reasonable, being considerably below our Engineer's estimate.

Tabulations of the bids, the financial statement of the low bidder and copies of the minutes of the examination in my office referred to above are all attached hereto.

The contract provides that unused City's track materials shall be transported by the Contractor to any place or places in the City and for such work he shall be paid under the provisions of the extra work item under the contract. It also provides that changes in the equipment if ordered by the Engineer shall be done by the Contractor at net cost to him plus 5%. In view of these items and to cover contingencies an amount somewhat in excess of the net amount of the bid should be requested. I believe that \$61,000 will cover the total cost of the contract.

Recommendation: That with the approval of Counsel the contract be awarded to Slattery Engineering & Construction Co., Inc., at their bid price of \$59,878.75 and \$61,000 be requisitioned from the Board of Estimate and Apportionment all chargeable to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of proposed contract for the installation of tracks—part of Jerome Avenue Yard—Route No. 16, was finally adopted on October 25, 1923 and subsequent to advertisement duly made bids respectively totalling as follows were received on November 13, 1923:

Slattery Engineering & Construction Co., Inc.....	\$59,878.75
Thomas Crimmins Contracting Co.....	67,749.20
T. H. Reynolds Contracting Co., Inc.....	74,304.05
McElroy & Kerwin	79,171.50
B. T. & J. J. Mack	82,934.10

; and

Whereas, The Chief Engineer of this Commission, by communication dated November 16, 1923, has reported that the amount of said bid is reasonable and that the said

Slattery Engineering & Construction Co., Inc., the low bidder, is financially able and competent to perform the work under said proposed contract, and has recommended the award of said proposed contract to it and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$61,000, the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Slattery Engineering & Construction Company, Inc., submitted as aforesaid, be and the same hereby is accepted and the said proposed contract for the installation of tracks—part of the Jerome Avenue Yard—Route No. 16, be and the same hereby is awarded to said Slattery Engineering & Construction Co., Inc., subject to its being approved and consented to in form and substance, as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel, for the consent of said Board and the appropriation of the sum of \$61,000, estimated to be necessary to meet the City's obligation under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

November 20, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board, as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Slattery Engineering & Construction Co., Inc., for the installation of tracks—part of Jerome Avenue Yard—Route No. 16, together with a requisition upon your Honorable Board for the appropriation of the sum of Sixty-one thousand dollars (\$61,000), being the amount estimated to be necessary to meet the obligation of the City under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on November 13, 1923, respectively totalling as follows:

Slattery Engineering & Construction Co., Inc.....	\$59,878.75
Thomas Crimmins Contracting Co.....	67,749.20
T. H. Reynolds Contracting Co., Inc.....	74,304.05
McElroy & Kerwin	79,171.50
B. T. & J. J. Mack.....	82,934.10

The Chief Engineer of this Commission, in a communication dated November 16, 1923, reports that the bid of Slattery Engineering & Construction Co., Inc., the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said contract, and the Transit Commission has accepted said bid and awarded said proposed contract to the said Slattery Engineering & Construction Co., Inc., subject to its being approved and consented to in form and substance, as required by law.

Your Honorable Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Sixty-one thousand dollars (\$61,000), and also to direct the Comptroller of the City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund of said City may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Sixty-one thousand dollars (\$61,000).

Your Honorable Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913, between the City of New York, acting by the Public Service Commission, and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION.

By GEORGE McANENY,
Chairman.

1624—R. T. 7489

Route No. 12—Report by Real Estate Clerk Recommending Resubmission of Request to Commissioners of Sinking Fund for Approval of Sale of Property at Southwest Corner of St. Felix Street and Fulton Street, Borough of Brooklyn, at Upset Price of \$70,000—Approval Resolution—Communication to Commissioners of Sinking Fund

A report was presented from the Real Estate Clerk dated November 14, 1923, recommending the resubmission of a request to the Commissioners of the Sinking Fund for the approval of the sale at public auction of the property at the southwest corner of St. Felix Street and Fulton Street, in the Borough of Brooklyn, at the upset price of \$70,000.

The following resolution was adopted :

Whereas, The Transit Commission, under date of April 3, 1923, requested the approval of the Commissioners of the Sinking Fund of The City of New York of the sale of a parcel of vacant land located at the southwesterly corner of St. Felix and Fulton Streets, Borough of Brooklyn, at the upset price of \$70,000, reserving certain easements for the structure and operation of the rapid transit railroad beneath the surface of the property, and upon such conditions otherwise as the Transit Commission should deem to be in the interest of The City of New York; and

Whereas, The Commissioners of the Sinking Fund at their meeting on November 1, 1923, (See Item No. 65 on the printed calendar for that date) referred back to the Commission this matter with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter might again be submitted to the Commissioners of the Sinking Fund of The City of New York for their approval; and

Whereas, The Real Estate Clerk, under date of November 14, 1923, has reported upon this matter recommending that the proposed sale of this property be resubmitted to the Commissioners of the Sinking Fund of The City of New York at the same upset price, to wit: \$70,000, and upon certain terms as set forth herein below, in which recommendation Counsel has concurred, submitting a form of communication to the Commissioners of the Sinking Fund;

Resolved, That the Commission do, and it hereby does, approve the report of the Real Estate Clerk, and that it do, and hereby does, approve the following essential terms of sale for the sale at public auction of the parcel of vacant land above referred to, the communication of the Commission to the Commissioners of the Sinking Fund of The City of New York of April 3, 1923, being in all other respects reaffirmed:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York;

that the form of communication to the Commissioners of the Sinking Fund of The City of New York, as approved by Counsel, be, and the same hereby is approved, and that the Chairman be, and he hereby is, authorized and directed to sign the said form of communication in its behalf.

The communication to the Commissioners of the Sinking Fund was as follows:

November 20, 1923.

COMMISSIONERS OF THE SINKING FUND
of THE CITY OF NEW YORK,
Municipal Building,
New York City, N. Y.
Sirs:

Your Honorable Board at its meeting on November 1, 1923 (See Item No. 65 on the printed calendar for that date) referred back to this Commission the matter of the proposed sale at public auction of a certain parcel of vacant land at the southwesterly corner of St. Felix and Fulton Streets, Borough of Brooklyn, at not less than the upset price of \$70,000, with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter may be again submitted to your Honorable Board for its approval. In accordance with such suggestion the Commission has, therefore, by resolution of this date adopted the following terms of sale to govern the sale at public auction of the property above referred to, reaffirming in other respects the substance of its communication to your Honorable Board, dated April 3, 1923:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York,

The Commission requests that your Honorable Board reconsider this matter and authorize the sale of the parcel of land in question at not less than the upset price of \$70,000 upon the terms set forth in the communication of April 3, 1923, as supplemented by the foregoing terms. A certified copy of the resolution of the Commission of this date with regard to this matter is transmitted herewith.

Very truly yours,
GEORGE McANENY,
Chairman.

1625—R. T. 7345

Route No. 48—Report by Real Estate Clerk Recommending Resubmission of Request to Commissioners of Sinking Fund for Approval of Sale of Property at Southwest Corner of William Street and Beekman Street, Borough of Manhattan, at Upset Price of \$160,000—Approval Resolution—Communication to Commissioners of Sinking Fund

A report was presented from the Real Estate Clerk dated November 14, 1923, recommending the resubmission of a request to the Commissioners of the Sinking Fund for the approval of the sale at public auction of the property at the southwest corner of William Street and Beekman Street, in the Borough of Manhattan, at the upset price of \$160,000.

The following resolution was adopted:

Whereas, The Transit Commission, under date of April 3, 1923, requested the approval of the Commissioners of the Sinking Fund of The City of New York of the sale of a parcel of vacant land located at the southwesterly corner of William and Beekman Streets, Borough of Manhattan, at the upset price of \$160,000, reserving certain

easements for the structure and operation of the rapid transit railroad beneath the surface of the property, and upon such conditions otherwise as the Transit Commission should deem to be in the interest of The City of New York; and

Whereas, The Commissioners of the Sinking Fund at their meeting on November 1, 1923, (See Item No. 64 on the printed calendar for that date) referred back to the Commission this matter with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter might again be submitted to the Commissioners of the Sinking Fund of The City of New York for their approval; and

Whereas, The Real Estate Clerk, under date of November 14, 1923, has reported upon this matter recommending that the proposed sale of this property be resubmitted to the Commissioners of the Sinking Fund of The City of New York at the same upset price, to wit: \$160,000, and upon certain terms as set forth herein below, in which recommendation Counsel has concurred, submitting a form of communication to the Commissioners of the Sinking Fund;

Resolved, That the Commission do, and it hereby does, approve the report of the Real Estate Clerk, and that it do, and hereby does, approve the following essential terms of sale for the sale at public auction of the parcel of vacant land above referred to, the communication of the Commission to the Commissioners of the Sinking Fund of The City of New York of April 3, 1923, being in all other respects reaffirmed:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York;

that the form of communication to the Commissioners of the Sinking Fund of The City of New York, as approved by Counsel, be, and the same hereby is, approved, and that the Chairman be, and he hereby is, authorized and directed to sign the said form of communication in its behalf.

The communication to the Commissioners of the Sinking Fund was as follows:

November 20, 1923.

COMMISSIONERS OF THE SINKING FUND
OF THE CITY OF NEW YORK,
Municipal Building,
New York City, N. Y.

Sirs:

Your Honorable Board at its meeting on November 1, 1923 (See Item No. 64 on the printed calendar for that date) referred back to this Commission the matter of the proposed sale at public auction of a certain parcel of vacant land at the southwesterly corner of William and Beekman Streets, Borough of Manhattan, at not less than the upset price of \$160,000, with the suggestion that whatever terms and conditions are to be attached to the sale should be the subject of specification in the action of the Transit Commission, whereupon the matter may be again submitted to your Honorable Board for its approval. In accordance with such suggestion the Commission has, therefore, by resolution of this date adopted the following terms of sale to govern the sale at public auction of the property above referred to, reaffirming in other respects the substance of its communication to your Honorable Board, dated April 3, 1923:

The highest bidder at the time and place of sale shall sign a memorandum of his purchase and shall deposit a sum equivalent to 10% of the upset price, shall at the time of the delivery of the deed make a further payment equivalent to the difference between 10% of the upset price and 25% of his bid and execute a purchase money bond and

mortgage for the balance of the purchase price for a term not to exceed five (5) years payable entirely upon the due date, or in installments at a rate of interest not to be less than 5% per annum; the deed to be delivered not later than sixty (60) days after the date of the sale, any adjournment or adjournments of the delivery of the deed at the request of the purchaser, except where such adjournment or adjournments shall be necessitated by conditions for which the purchaser shall not have been responsible, to be only upon stipulation that the purchaser shall pay the maximum legal rate of interest for the period of such adjournment or adjournments upon the unpaid balance of the purchase price; the purchaser to pay all conveyance taxes, including the mortgage recording tax of the State of New York.

The Commission requests that your Honorable Board reconsider this matter and authorize the sale of the parcel of land in question at not less than the upset price of \$160,000 upon the terms set forth in the communication of April 3, 1923, as supplemented by the foregoing terms. A certified copy of the resolution of the Commission of this date with regard to this matter is transmitted herewith.

Very truly yours,

GEORGE McANENY,
Chairman.

1626—R. T. 7610

Route No. 52, Section No. 3—Letter from Counsel Submitting Proposed Agreement for Construction of Two Stairways in Front of Premises at No. 94 Main Street, Flushing—Approval Resolution

A letter was presented from Counsel dated November 15, 1923, submitting for approval, a proposed agreement with the Flushing National Bank, providing for two subway entrances to the Main Street Station of the Flushing Line in front of the premises at No. 94 Main Street, Flushing.

The following resolution was adopted:

Whereas, Counsel, with his letter dated November 15, 1923, has submitted to this Commission a proposed form of agreement between The City of New York, acting by the Transit Commission and Flushing National Bank for the construction, maintenance and operation of two subway entrance stairways to the Main Street Station of the Flushing Route, a rapid transit railroad in the Borough of Queens, and has recommended that such proposed agreement be approved and executed by the Transit Commission on behalf of The City of New York; and

Whereas, This agreement has been approved by the Chief Engineer,

Resolved, That said proposed agreement in the form so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and they hereby are authorized to execute the same.

1627—R. T. 6924

Routes Nos. 19 & 22, Section No. 2—Application by Wolcott Holding Corporation for Approval of Substitution of Heavier Type of Ventilator Grating in Front of Premises at No. 766 Southern Boulevard, Borough of The Bronx—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Wolcott Holding Corporation dated October 20, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company granting the right to substitute a heavier type of ventilator grating in front of the premises at No. 766 Southern Boulevard, Borough of The Bronx.

A report was presented from the Chief Engineer dated November 13, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, By communication dated October 20, 1923, Wolcott Holding Corporation has submitted for the approval of this Commission, a proposed permit issued by the

Interborough Rapid Transit Company, subject to the approval of this Commission and accepted by said Wolcott Holding Corporation granting it the right to change the type of grating of the ventilator in the municipal rapid transit railroad in front of the premises known as 766 Southern Boulevard in the Borough of The Bronx, City of New York, upon the terms and conditions herein more particularly set forth; and

Whereas, The Chief Engineer of this Commission by communication dated November 13, 1923, reports that the form of permit is satisfactory from an engineering standpoint and recommends its approval; and

Whereas, Counsel to the Commission has examined said proposed permit and finds no objection thereto,

Resolved, That the said proposed permit so submitted be and the same hereby is approved and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

1628—R. T. 6444, 7556

Route No. 26—Resolution Declaring Westerly Extension of Westbound Platform of Jackson Avenue Station to Be Ready for Operation—Adopted

The following resolution was adopted:

Resolved, That under and in pursuance of the provisions of the Contract, dated March 19, 1913, between the City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, this Commission hereby declares the following portions of the Queensboro Subway Rapid Transit Railroad (described in said Contract No. 3, as the Steinway Tunnel Line) to be ready for operation at 1 o'clock A. M., on Sunday, November 18th, 1923, to wit:

The westerly extension of the westbound platform of the Jackson Avenue Subway station, between base line Stas. 173+25 and 174+98.

1629—R. T. 6481

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Lighting Fixtures for Fifty New Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated November 2, 1923, requesting the approval of a proposed purchasing agent's order directed to Dayton Manufacturing Company for furnishing lighting equipment for fifty new steel trailer cars at a cost of \$2,690.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 15, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment of the Railroad to be performed under Work Order No. MBA-25, heretofore assigned.

The following resolution was adopted:

Whereas, This Commission by resolution adopted July 17, 1923 as therein more particularly set forth, approved the proposed contract to be entered into between New York Rapid Transit Corporation as successor to the rights and obligations under the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, and Pressed Steel Car Company for the manufacture and delivery of bodies and trucks for fifty (50) steel passenger cars, Series 4000-4049 together with the plans and specifications therefor and classified such material as Additional Equipment of the Railroad as more particularly defined in said Contract No. 4, and assigned thereto Work Order No. MBA-25; and

Whereas, Pursuant to the provisions of said Contract No. 4 and said proposed contract so approved as aforesaid, New York Rapid Transit Corporation, by communication dated November 2, 1923 has submitted for the approval of this Commission proposed purchasing agent's order dated November 2, 1923 directed to Dayton Manufacturing Company, for the following:

"For Equipping Subway Trailer Cars 4000-4049 Inclusive.

300 Emergency Light Fixtures complete with Benjamin Electric & Mfg. Company's No. 61-M Socket with lamp grip feature and special base to suit R. R. Co.'s requirements. All as per Plan 3-B-193-4, furnished	\$0.80 Each
700 Deck Sill Fixtures as per Plan B-689-4 furnished, complete including cast iron base for fixture and Benjamin Electric & Mfg. Co.'s Aluminum Shell Socket Style No. 4200 complete with lamp grip feature or G. E. Co.'s style No. 50701.....	\$3.00 Each
100 Bulkhead Fixtures as per Plan B-692-3 furnished complete with Benco Aluminum Shell Socket complete with lamp grip feature... Delivery to be completed within 60 days.	\$3.50 Each Delivered."

which proposed purchasing agent's order has been caused to be designated as "Approval No. 383"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated November 15, 1923, have reported that the following bids were received for such work:

Dayton Manufacturing Co.	\$2,690
E. Schroeder Lamp Works	3,935
Ellcon Co.	Could not quote
J. L. Howard and Co.....	No reply

that the award is to the lowest bidder; that said fixtures are a necessary part of the equipment of these cars; that the price thereof is reasonable and the best obtainable and recommend the approval of same; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated November 19, 1923, has recommended that the cost of such work be classified as Additional Equipment for the Railroad under Work Order No. MBA-25 heretofore assigned.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of material under said proposed purchasing agent's order hereby approved to be classified as Additional Equipment of the Railroad as defined in said Contract No. 4 under and pursuant to Work Order No. MBA-25 heretofore assigned as aforesaid.

1630—R. T. 6481

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Car Switch Boards for Fifty New Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated November 1, 1923, requesting the approval of a proposed purchasing agent's order directed to the Consolidated Car Heating Company, for furnishing car switch boards for fifty new steel trailer cars, at a cost of \$2,950.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 15, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad, to be performed under Work Order No. MBA-25, heretofore assigned.

The following resolution was adopted:

Whereas, This Commission by resolution adopted July 17, 1923 as therein more particularly set forth, approved the proposed contract to be entered into between New York Rapid Transit Corporation as successor to the rights and obligations under the provisions of the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, and Pressed Steel Car Company for the manufacture and delivery of bodies and trucks for fifty (50) steel passenger cars, Series 4000-4049 together with the plans and specifications therefor and classified such material as Additional Equipment of the Railroad as more particularly defined in said Contract No. 4 and assigned thereto Work Order No. MBA-25; and

Whereas, Pursuant to the provisions of said Contract No. 4 and said proposed contract so approved as aforesaid, New York Rapid Transit Corporation, by communication dated November 1, 1923, has submitted for the approval of this Commission proposed purchasing agent's order dated October 31, 1923 directed to Consolidated Car Heating Company, for the following:

"For Equipping Subway Trailer Cars 4000-4049 Inclusive.

50 Switchboard Complete with Switches, Fuse Clips, Terminals and all other parts shown on Plan No. 4-B-944 furnished \$59.00 Each.

Bases shall be clear slate, free from metallic veins and holes shall be drilled exact to dimensions as indicated on Plan.

Delivery to be made January 1st, 1924.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 386"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated November 15, 1923, have reported that the following bids were received for such work:

Consolidated Car Heating Company.....	Each \$59.00
Westinghouse Electric & Mfg. Co.....	135.00
Holden & White.....	Cannot quote

that the award is to the lowest bidder; that the cost is reasonable and that the equipment is necessary, and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated November 19, 1923, has recommended that the cost under said proposed purchasing agent's order be classified as Additional Equipment for the Railroad under Work Order No. MBA-25 assigned, as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of material under said proposed purchasing agent's order hereby approved to be classified as Additional Equipment of the Railroad as defined in said Contract No. 4 under and pursuant to Work Order No. MBA-25 heretofore assigned as aforesaid.

1631—R. T. 6499

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Sale of Property on Westerly Side of West Seventh Street between Avenue "R" and Avenue "S," Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 30, 1923, requesting approval of the sale of certain premises abutting on the right of way of the Sea Beach Line on the westerly side of West Seventh Street between Avenue "R" and Avenue "S," Borough of Brooklyn, to the Bay Parkway Construction Company at the selling price of \$24,500.

A report was presented from the Real Estate Clerk dated November 15, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, J. H. Bennington, Real Estate & Tax Agent for New York Rapid Transit Corporation, has made application under date of October 30, 1923, for approval of a contract between New York Rapid Transit Corporation, as Vendor, and Bay Parkway Construction Company, as Vendee, covering the sale of certain vacant premises abutting on the Sea Beach Line, on the westerly side of West 7th Street between Avenue "R" and Avenue "S," in the Borough of Brooklyn, as more particularly described in said contract, the selling price to be \$24,500, payable \$1,000 on the signing of the contract, \$7,500 in cash on the delivery of the deed and the balance by a purchase money bond and mortgage for \$16,000 with interest at 6% per annum, and upon certain other terms as more particularly set forth in said contract, pursuant to the provisions of Contract No. 4; and

Whereas, The Real Estate Clerk, under date of November 15, 1923, has reported upon this application stating that the property is assessed for the year 1923 at \$15,450, and that in his opinion the selling price is reasonable, recommending that the proposed sale and form of contract be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid proposed sale and form of contract between the said New York Rapid Transit Corporation, as Vendor, and the said Bay Parkway Construction Company, as Vendee, and that the Secretary be, and he hereby is, authorized and directed to transmit a copy of this resolution to the said J. H. Bennington.

1632—R. T. 7691, 7661

Route No. 78-A—Communication from Board of Estimate and Apportionment Transmitting Copy of Report of Transit Conference Committee Recommending Adoption of St. Nicholas Avenue, Broadway and Fort Washington Avenue Route and for Location of Station at Extreme Northerly Terminus—Referred to Committee of Whole

The following communication from the Board of Estimate and Apportionment was referred to the Committee of the Whole:

Franchises

November 14, 1923.

TRANSIT COMMISSION.
49 Lafayette Street,
New York City:
Gentlemen:

I transmit herewith copy of report, dated October 31, 1923, from the Transit Conference Committee of this Board, recommending the adoption of Route No. 78-A, as submitted by the Transit Commission, with the request that provision be made by the Transit Commission for the location of a station at the extreme northerly terminus of the proposed route. This will necessitate the extension of Route No. 78-A, for approximately 600 feet north of West 175th Street.

This report was presented to the Board at the meeting of November 9, 1923, and the recommendations contained therein were approved.

The plans and conclusions for said Route No. 78-A, were approved by resolution adopted by this Board November 9, 1923, and such resolution is now awaiting the approval of his Honor, the Mayor.

Respectfully,

PETER J. MCGOWAN,
Secretary.

1633—R. T. 6820

Fourth Avenue Subway—Communication from Board of Estimate and Apportionment Requesting Advice as to Approximate Cost for Removing Mall Spaces, Kiosks, and Ventilators on Fourth Avenue between Atlantic Avenue and 60th Street, Borough of Brooklyn, and as to Provision for Cost of Work—Referred to Counsel and Chief Engineer

The following communication from the Board of Estimate and Apportionment was referred to Counsel and Chief Engineer:

(Cal. No. 50)

November 16, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Gentlemen:

At the meeting of the Board of Estimate and Apportionment on November 16, 1923, the Secretary was directed to request the Transit Commission to advise this Board as to the approximate cost of removing the mall spaces, the subway kiosks and ventilators on Fourth Avenue between Atlantic Avenue and 60th street, Borough of Brooklyn. It is requested that this estimate be in alternative form; one based upon a 20-foot sidewalk, involving an increase of five feet on each side of the present roadway, and the other on a 25-foot sidewalk width as at present. It is further requested that you also give your opinion as to whether this work should be done by the Borough President, the Transit Commission or the Railroad Company, and also to advise whether or not the railroad company will consent to the reconstruction of the railroad incidental to this change.

I am directed to advise you that it is the judgment of this Board that the remodeling of the structure is a railroad purpose and that the cost thereof should be provided for from rapid transit funds. Kindly advise whether the Transit Commission concurs in this opinion.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

P. S. I am enclosing for your information, transcript of stenographic minutes of the discussion at the meeting of the Committee of the Whole on November 12, 1923, in relation to this matter.

1634—Cases 1379, 1399

Richmond Light & Railroad Company—Monthly Reports—Quarterly Reports—Extension Orders Adopted

The Secretary presented a communication, dated November 16, 1922, from H. C. Moore, Jr., Comptroller of the Richmond Light & Railroad Company, asking for an extension of time to file monthly report for August, 1923, to November 19, 1923, and for an extension of time to file quarterly report for the quarter ended September 30, 1923, and the monthly report for September, 1923, to December 1, 1923.

The Secretary also presented a report, dated November 19, 1923, by H. S. Fischer, Statistician, approved by the Chief, Bureau of Accounting and Valuations, and by George L. Lucas, Acting Chief Executive Officer, recommending the granting of the desired extensions of time.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1379, granting the Richmond Light & Railroad Company, an extension of time to November 19, 1923, to file monthly report for August, 1923, and to December 1, 1923, to file monthly report for September, 1923.

Further the Commission adopted and ordered filed an Order in Case No. 1399, granting the Richmond Light & Railroad Company an extension of time to December 1, 1923, within which to file its quarterly report for the quarter ended September 30, 1923.

1635—Case 2638

South Brooklyn Railway Company—Application of The City of New York for Determination as to Manner in Which 14th Avenue and Other Streets in the Borough of Brooklyn Shall Cross Company's Tracks—Resolution Approving Plan Showing Repavement of Street Crossings Approved

The Secretary presented a communication, dated November 10, 1923, from A. R. Piper, President, South Brooklyn Railway Company, submitting for approval plan showing repavement of street crossings in connection with the 14th Avenue elimination directed by the Order in Case No. 2638.

The Secretary also presented a report, dated November 14, 1923, by C. J. Slipper, Assistant Engineer, approved by W. L. Selmer, Acting Chief, Bureau of Railroad Inspection, and George L. Lucas, Acting Chief Executive Officer, recommending the approval of said plan.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2638, in the following form:

Present:

GEORGE McANENY, Chairman,	} Commissioners.
LEROY T. HARKNESS,	

IN THE MATTER
of the

Application of the Board of Estimate & Apportionment of The City of New York for a determination as to the manner in which 14th Avenue, Dahill Road (West Street) and Cortelyou Road, shall be carried across the tracks of the South Brooklyn Railway Company and the Prospect Park & South Brooklyn Railroad Company, in the Borough of Brooklyn.

CASE No. 2638.

RESOLUTION APPROVING
PLAN FOR REPAVEMENT OF
STREET CROSSINGS.

The Commission having by order herein dated the 3rd day of January, 1923, determined the method of carrying 14th Avenue, Dahill Road (West Street) and Cortelyou Road across the property of the South Brooklyn Railway Company and the Prospect Park and South Brooklyn Railroad Company, in the Borough of Brooklyn; And the South Brooklyn Railway Company having by communication dated November 10, 1923, submitted for the approval of the Commission a plan hereinafter described, and the Commission having examined said plan, and it appearing that same is satisfactory, it is hereby

Ordered, That said plan described and identified as follows:

South Brooklyn Railway Company
Way and Structure Department
Brooklyn, N. Y.
Culver Line—Pavement of Street Crossings
14th Ave., Dahill Road and Cortelyou Road.
Scale 1"-20' September 19, 1923
File No. 44-F—Plan No. 672-A
Issue No. 2 revised November 7, 1923

be and the same is hereby approved.

Further Ordered, That the approval of this plan shall not be deemed as binding the State of New York or The City of New York to pay any share of the cost of any additions and betterments to the railroads over and above such work as is necessary to the carrying of the said streets across the said railroads.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1636—Case 2704

Manhattan Railway Company and Interborough Rapid Transit Company, Lessee—Application for Determination That Public Convenience and Necessity Require Certain Structures at 42nd Street and Third Avenue—Report by Counsel Approved—Hearing Order Adopted

The Secretary presented a report, dated November 20, 1923, by H. J. Cloutman, Assistant Counsel, approved by Counsel, recommending a hearing on the application, dated November 9, 1923, of the Manhattan Railway Company for a determination pursuant to Chapter 635 of the Laws of 1923, of the railway facilities and structures necessary for the public convenience, in the vicinity of its elevated railway station at Third Avenue and 42nd Street, Borough of Manhattan, City of New York.

Thereupon the above mentioned report was approved and an Order in Case No. 2704 was adopted and ordered filed in the following form:

Present:

GEORGE MCANENY,
Chairman, } Commissioners.
LEROY T. HARKNESS, }

IN THE MATTER
of the

Application of Manhattan Railway Company for a determination pursuant to Chapter 635 of the Laws of 1923, of the railway facilities and structures necessary for the public convenience in the vicinity of its elevated railway station at Third Avenue and 42nd Street, Borough of Manhattan, City of New York.

CASE No. 2704.

HEARING ORDER.

Application having been made to this Commission by the Manhattan Railway Company, by petition, dated November 9, 1923, for a determination pursuant to Chapter 635 of the Laws of 1923, of the railway facilities and structures necessary for the public convenience, in the vicinity of its elevated railway station at Third Avenue and 42nd Street, in the Borough of Manhattan, City of New York;

Ordered, That a hearing be had by and before the Commission upon said application on the 28th day of November, 1923 at 2:30 o'clock in the afternoon of that day, at the hearing room of the Commission, No. 49 Lafayette Street, Borough of Manhattan, City of New York.

Further Ordered, That notice of this proceeding and hearing to be held thereon be given to The City of New York, Manhattan Railway Company and Interborough Rapid Transit Company, by service of a certified copy of this Order upon said municipality and companies in the manner provided by Section 23 of the Public Service Commission Law.

Further Ordered and Certified, That George L. Lucas, Acting Chief Executive Officer, be and he is hereby, pursuant to Sections 8 and 11 of the Public Service Commission Law, authorized and designated to conduct said hearing, to take the testimony therein, and report same to the Commission together with his opinion thereon for its decision and determination.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1637—R. T. 6892

Route No. 8, Section No. 2—Certificate by Chief Engineer of Expense Incurred by City in Completion of Contract as Result of Default by Degnon Contracting Company—Approved and Ordered Filed

The Commission approved and ordered filed the following certificate by the Chief Engineer:

November 15, 1923.

To TRANSIT COMMISSION:

Subject: Route 8, Section 2, Certificate of Expense incurred by the City in the Completion of Construction

Pursuant to the provisions of Article LXI of the contract dated August 4, 1916 with the Degnon Contracting Company for the construction of Route 8, Section 2 of the Fourteenth Street-Eastern Rapid Transit Railroad, I hereby certify that the amount of the expense incurred by the City in the completion of the work is as follows:

Amount certified for payment to the Degnon Contracting Company:		
For work under the Schedule Items.....	\$525,591.14	
For work under Article XII.....	4,091.77	
For retained percentage withdrawn under the provisions of Art. XXXIII.....	87,000.00	\$616,682.91
Amount certified for payment to the Hunterspoint Lumber & Supply Co. under Agreement "AV" for maintenance and repair of timbering and decking		65,020.06
Amount certified for payment to Patrick McGovern, Inc. under the contract for the completion of construction, Route 8, Section 2, including \$10,000 retained under the provisions of Section 425 of the Specifications as guarantee for maintenance of street surface restored.....		3,155,442.29
Total certified for payments.....		<u>\$3,837,145.26</u>
Credits:		
Proceeds of sale of corporate stock deposited by the Degnon Contracting Co.....	\$106,536.23	
Proceeds of sale of 3-30" 1/8 bends waterpipe to Dept. of Water Supply (net).....	133.70	
Amount received from American Bridge Co. in settlement of claim for cost of changes in steel due to errors in shop drawings.....	224.40	\$106,894.33
Net cost of construction.....		<u>\$3,730,250.93</u>
The total estimated amounts, at the Schedule Unit Prices and under Art. XII of the Contract, that would have been payable to the Degnon Contracting Co. had it completed the work in accordance with the provisions of the contract are as follows:		
Value of all work done and all materials furnished at the Schedule Unit Prices prior to date of default....	\$620,346.77	
Value of all work done and all materials furnished under Art. XII prior to date of default.....	5,024.61	
Value of all work that would have been done and all materials that would have been furnished at the Schedule Unit Prices, subsequent to date of default had the work been completed as provided by the contract	1,120,319.21	
Value of all work that would have been done and all materials that would have been furnished under Art. XII subsequent to date of default had the work been completed as provided by the contract.....	17,262.81	\$1,762,953.40
Cost to the City of completing the work in excess of the amount that would have been payable to the Degnon Contracting Co. had it completed the work in accordance with the provisions of the Contract.....		1,967,297.53

ROBT. RIDGWAY,
Chief Engineer.

1638—R. T. 6960, 7235, 7354

Contract No. 3 and Elevated Extensions Certificate—Acceptance by Honorable Abel E. Blackmar of Nomination as Third Arbitrator in Proceedings with Respect to Operating Expenses and Classification and Amount of Depreciation—Filed

The Commission ordered filed an acceptance from Honorable Abel E. Blackmar, dated November 12, 1923, of the nomination to act as Third Arbitrator in the Proceedings with respect to objections by the Transit Construction Commissioner to certain expenditures under Contract No. 3, and as to the determination of the classification and amount of depreciation under Contract No. 3 and the Elevated Extensions Certificate, for the period ended June 30, 1920.

1639—R. T. 7592

Route No. 11-B, Section No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Construction of Extension of Fourth Avenue Subway and Authorizing Appropriation of \$1,725,884.10—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Papers and Contract Ordered Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 2, 1923, was ordered filed:

(Cal. No. 53)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board October 10, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with T. A. Gillespie Company for the construction of a part of a rapid transit railroad, Route No. 11-B, Section No. 3 (Fourth Avenue, Brooklyn), at an estimated cost of one million seven hundred and twenty-five thousand eight hundred and eighty-four dollars and ten cents (\$1,725,884.10), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be one million seven hundred and twenty-five thousand eight hundred and eighty-four dollars and ten cents (\$1,725,884.10); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission, dated October 10, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one million seven hundred and twenty-five thousand eight hundred and eighty-four dollars and ten cents (\$1,725,884.10), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be in addition to the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated November 12, 1923, returning the above mentioned contract approved as to form, was also ordered filed.

An original contract between the City of New York acting by the Transit Commission and T. A. Gillespie Company, dated November 13, 1923, which had been executed on behalf of both parties and delivered on November 15, 1923, was also ordered filed.

1640—R. T. 7695

Agreement "CQ"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Construction of Station Finish at Queensboro Plaza Station, and Authorizing Appropriation of \$4,969—Communication from Acting Corporation Counsel, Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 2, 1923, was ordered filed:

(Cal. No. 55)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated October 16, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with Pattelli & Wilson (Agreement "CQ") for the construction of station finish work at the Queensboro Plaza Station of the Municipal Rapid Transit Railroad in the Borough of Queens at an estimated cost of four thousand nine hundred and sixty-nine dollars (\$4,969), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be four thousand nine hundred and sixty-nine dollars (\$4,969); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding four thousand nine hundred and sixty-nine dollars (\$4,969), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 2, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated November 12, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

1641

Street Changes—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Removal of Sidewalk Encroachments in Broad Street from South Street to Wall Street, Borough of Manhattan—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 9, 1923, was ordered filed:

(Cal. No. 15)

Whereas, The entire width of Broad street between South street and Wall street, Borough of Manhattan, is required for public purposes; be it

Resolved, By the Board of Estimate and Apportionment, that all ordinances, permits or licenses heretofore adopted or granted by The City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of Broad street between South street and Wall street, Borough of Manhattan, between levels 10 feet

above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 9, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1642—R. T. 7592

Route No. 11-B, Section No. 3—Communication from New York Rapid Transit Corporation Electing to Operate Extension of Fourth Avenue Subway upon Separate Accounting Basis—Filed

The following communication from the New York Rapid Transit Corporation, was ordered filed:

November 19, 1923.

TRANSIT COMMISSION,
MR. JAMES B. WALKER, Secretary,
49 Lafayette Street,
New York City, N. Y.

Dear Sir:

Your letter of October 13, 1923, in which you request that this corporation advise you at once as to the basis upon which it elects to operate the proposed extension of the Fourth Avenue Line from 87th Street to a point between 95th Street and 96th Street, was considered at the meeting of the Board of Directors held today.

I am directed by resolution of the Board of Directors to advise you, in compliance with your request, that pursuant to the provisions of Contract No. 4 this corporation elects to operate the proposed extension when constructed upon the separate accounting basis set forth in Chapter V, Part III of Contract No. 4.

Very truly yours,
W. S. MENDEN, President,
N. Y. RAPID TRANSIT CORP.

1643

Fees Received during October, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of October, 1923, fees, etc., to the amount of \$432.07 and refunds of rental from rapid transit real estate to the amount of \$4,109.00, had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$432.07 to be accredited to the General Fund of The City of New York and the sum of \$4,109.00 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

1644

Employees' Calendar No. 176

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—Max Steinman, junior clerk, at \$60.00 per month, to take effect November 21, 1923.

Appointments under Rule VIII:4—Thomas L. Bove, junior assistant, at \$125.08 per month, to take effect November 19, 1923; William A. Caperell, draftsman, at \$175.08

per month, to take effect November 16, 1923; James G. Freaney, junior assistant, at \$125.08 per month, to take effect November 19, 1923; Robert I. Geyer, junior assistant, at \$125.08 per month, to take effect November 19, 1923; Hewitt S. Gurnee, junior assistant, at \$125.08 per month, to take effect November 15, 1923; Joseph Hanley, junior assistant, at \$125.08 per month, to take effect November 19, 1923; Isaac Hillman, draftsman, at \$175.08 per month, to take effect November 19, 1923; Leopold Leer, draftsman, at \$175.08 per month, to take effect November 19, 1923; John H. Meyers, junior assistant, at \$125.08 per month, to take effect November 15, 1923; Arthur J. Nicholson, junior assistant, at \$125.08 per month, to take effect November 15, 1923; Joseph Salant, junior assistant, at \$125.08 per month, to take effect November 19, 1923; Chapman W. Seaman, junior assistant, at \$125.08 per month, to take effect November 19, 1923; William Shemin, junior assistant, at \$125.08 per month, to take effect November 19, 1923; Matthew F. Wade, junior assistant, at \$125.08 per month, to take effect November 16, 1923; Daniel Walzer, junior assistant, at \$125.08 per month, to take effect November 16, 1923.

Termination of Appointments under Rule VIII:4—Anthony Barranco, junior clerk, at \$60.00 per month, to take effect November 20, 1923; Daniel C. Dunne, junior clerk, at \$60.00 per month, to take effect November 20, 1923; Hyman Firman, junior clerk, at \$60.00 per month, to take effect November 20, 1923; Max Steinman, junior clerk, at \$60.00 per month, to take effect November 20, 1923; Eugene J. Sullivan, junior clerk, at \$60.00 per month, to take effect November 20, 1923; Benjamin Wang, junior clerk, at \$60.00 per month, to take effect November 20, 1923.

Resignations—William Gelbman, junior assistant, at \$125.08 per month, to take effect November 12, 1923; Morris Roberts, draftsman, at \$175.08 per month, to take effect November 21, 1923; Morris L. Weissberg, junior assistant, at \$125.08 per month, to take effect November 10, 1923.

Leave of Absence with Pay—Edgar T. Hurley, junior electrical engineer, from October 19, 1923, to November 5, 1923.

1645

Voucher Schedule No. 48

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct:

Vouchers Nos. 1031-1035, open market orders, \$1,550.41; Vouchers Nos. 551-552, miscellaneous bills, \$4,024.44; Vouchers Nos. 198-206, City payrolls, \$92,449.50; Voucher No. CM-22, State payrolls, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 311; Charles H. Brown & Son Corporation, Assignee; approximate estimate No. 21 for the construction of station finish on Sections Nos. 1 and 2 of Route No. 8, from October 16, 1923 to November 15, 1923 (R. T. 7539), \$10,369.59; Voucher No. 312; Powers-Kennedy Contracting Corporation; Retained Percentage Certificate No. 3-R, for the construction of a part of the Queensboro Subway Rapid Transit Railroad, Routes Nos. 35 and 67 (R. T. 7584), \$50,000.00.

1646

Hearing

The following hearing was held:

2:30 P. M.; Cases Nos. 2697 and 2698; Interborough Rapid Transit Company and New York Rapid Transit Corporation; Hearing on motion of the Commission as to the reconstruction, operation, equipment, facilities or devices used or to be used in connection with the transportation of passengers and property with particular reference to the installation of an experimental one mile of block signals on the local tracks of the

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1210

elevated portions of the lines of said companies. James B. Walker, Secretary, designated to conduct this hearing, presided.

Adjourned to December 12, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, November 21, 1923

1647

Hearing

The following hearing was held:

10:50 A. M.; Case No. 2701; Grade Crossings in New York City. Chairman McAneny and Commissioner Harkness presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, November 23, 1923

Present: LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

1648—R. T. 7708

**Route No. 18—Receipt of Bids for Erection of Fence, etc., in 239th Street Yard—
Referred to Chief Engineer**

Commissioner Harkness stated that the time within which to receive bids for the erection of a fence, etc., in the 239th Street Yard had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the three bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, November 26, 1923

1649

Hearings

The following hearings were held:

10 A. M.; Case No. 1402; The Long Island Railroad Company; Application of the City of New York relative to the opening across the tracks of the New York

and Rockaway Beach Division of Ashland Street, in the Fourth Ward, Borough of Queens. George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Hearing closed.

10:30 A. M.; Case No. 1567; The Long Island Railroad Company; Application of the City of New York relative to opening Lambertville Avenue from Sutphin Road to Merrick Road in the Fourth Ward, Borough of Queens, across the tracks of the Montauk Division. George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Adjourned to December 10, 1923, at 10:30 A. M.

11 A. M.; Case No. 2082; The Long Island Railroad Company; Application of the City of New York for determination as to manner in which following street shall be extended across tracks in Fourth Ward, Borough of Queens: 195th Street (Catskill Avenue) from Atlantic Avenue (99th Avenue) to Sagamore Avenue (98th Avenue). George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Hearing closed.

2:30 P. M.; Case No. 2703; The New York Central Railroad Company; Application of company for an order of the Transit Commission determining elimination of street crossings by its railroad at grade on the West Side of Manhattan Island, from the southerly terminus of said railroad at St. Johns Park to the Harlem Ship Canal, formerly Spuyten Duyvil Creek. Chairman McAneny and Commissioner Harkness presided; also, Chairman Prendergast of the Public Service Commission. Adjourned to December 6, 1923, at 10:30 A. M.

The following hearing was adjourned:

R. T. 4007; Interborough Rapid Transit Company; Lengthening of platforms at local stations. Contract No. 1. Adjourned to December 10, 1923, at 11 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, November 27, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1650—R. T. 7708

Route No. 18—Resolution Authorizing Release of Checks to All But Lowest Bidder for Erection of Fence, etc., in 239th Street Yard—Adopted

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on November 23, 1923, for the erection of a fence, etc., in the 239th Street Yard of the White Plains Road Line, the Secretary be and he hereby is authorized and directed to return to all except the lowest bidder, the certified checks in the sum of Three Hundred (\$300.00) Dollars, each, deposited with their bids.

1651—R. T. 7708

Route No. 18, Section No. 2—Report by Chief Engineer as to Receipt of Bids for Erection of Fence, etc., at 239th Street Yard, and Recommendation for Award of Contract to Isaac E. Abbott, at Bid price of \$2,856.40—Approval Resolution—Requisition upon Board of Estimate and Apportionment

The following report was approved:

November 27, 1923.

To the TRANSIT COMMISSION:

Proposed Contract for the Installation of Fence, etc., in the 239th Street Yard, White Plains Road Line.

As previously reported the bids received on November 23rd for the installation of a fence, etc., in the 239th Street Yard of the White Plains Road Line, resulted as follows:

Isaac E. Abbott	\$2,856.40
Edward Balaban & Co.	3,285.00
Fox, Reynolds Co., Inc.	3,642.00

The low bidder, Isaac E. Abbott, was examined in my office on November 26th with regard to his experience and financial ability, from which I conclude that he can do the work for us under this proposed contract in a satisfactory manner.

Attached hereto are copies of the minutes of this examination and tabulations of bids.

Recommendation: that with the concurrence of Counsel the contract be awarded to Isaac E. Abbott at his bid price of \$2,856.40 and that this amount be requisitioned from the Board of Estimate and Apportionment all chargeable to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the erection of a fence, etc., in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, (Route No. 18), was finally adopted on November 7, 1923, and subsequent to advertisement duly made, bids respectively totalling as follows were received on November 23, 1923:

Isaac E. Abbott	\$2,856.40
Edward Balaban & Co.	3,285.00
Fox, Reynolds Co., Inc.	3,642.00

; and

Whereas, The Chief Engineer of this Commission by communication dated November 27, 1923, has reported that the amount of the bid of Isaac E. Abbott for the erection of said fence, etc., is reasonable and that the said Isaac E. Abbott, the low bidder under said proposed contract is financially able and competent to perform the work thereunder and has recommended the award of said proposed contract to him and the making of a requisition upon the Board of Estimate and Apportionment for the appropriation of the sum of two thousand eight hundred fifty-six dollars and forty cents (\$2,856.40) the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same hereby is approved; that the bid of Isaac E. Abbott, as aforesaid for the performance of the work under said proposed contract be and the same hereby is accepted and that the said proposed contract for the erection of a fence, etc., in the 239th Street Yard of the White Plains Road Rapid Transit Railroad (Route No. 18), be and the same hereby is awarded to the said Isaac E. Abbott, subject to its being approved and consented to in form and substance as required by law and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment, in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of two thousand eight hundred fifty-six dollars and forty cents (\$2,856.40), estimated to be necessary to meet the City's obligations under said Contract, be and the same hereby is approved and that it be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

November 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission pursuant to the authority vested in it by Chapter 134 Laws of 1921 transmits for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Isaac E. Abbott, for the erection of a fence, etc. in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, (Route No. 18), together with a requisition upon your Honorable Board for the appropriation of the sum of two thousand eight hundred fifty-six dollars and forty cents (\$2,856.40), being the amount estimated to be necessary to meet the obligations of the City under said proposed contract.

Advertisement has been duly made for proposals for such work and bids were received on November 23, 1923, respectively totalling as follows:

Isaac E. Abbott	\$2,856.40
Edward Balaban & Co.	3,285.00
Fox, Reynolds Co., Inc.	3,642.00

The Chief Engineer of this Commission in a communication dated November 27, 1923, has reported that the bid of Isaac E. Abbott, the low bidder, is reasonable and that the said Isaac E. Abbott is competent and financially able to perform the work thereunder, and the Transit Commission has accepted said bid of Isaac E. Abbott and awarded the said proposed contract to the said Isaac E. Abbott, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirement of said proposed contract, to wit, the sum of two thousand eight hundred fifty-six dollars and forty cents (\$2,856.40); and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of securing the amount necessary to meet the obligations of the City under said proposed contract, to wit, the sum of two thousand eight hundred fifty-six dollars and forty cents (\$2,856.40). Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock, for the full amount necessary to pay the estimated expense to the City of carrying out said contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the Contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
by GEORGE McANENY,
Chairman.

1652

Expenses—Resolution Authorizing Requisition upon Board of Estimate and Apportionment for Appropriation of \$1,000,000 for Expenses for Year Ending December 31, 1924—Communication to Board of Estimate and Apportionment

The following resolution was adopted:

Resolved, That the Chairman and the Secretary of the Transit Commission be, and they hereby are, authorized in the name and in behalf of said Commission to make a certificate to and a requisition on the Board of Estimate and Apportionment for the sum of One Million Dollars (\$1,000,000), in the following form to wit:

"Requisition is hereby made upon you, pursuant to the provisions of Chapter 134 of the Laws of 1921, by the Transit Commission, for the sum of One Million Dollars (\$1,000,000), which sum said Transit Commission hereby certifies as necessary, on account, to properly enable it to do and perform or cause to be

November 27, 1923]

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done and performed, for the year ending December 31, 1924, the duties imposed upon said Commission by said law.

"Appended hereto is a certified copy of the resolution of the Commission authorizing the execution of the certificate and requisition.

"In witness whereof, the Transit Commission has caused this requisition to be signed by its Chairman and its Secretary and its official seal to be hereto affixed this 27th day of November, 1923."

TRANSIT COMMISSION,

Chairman.

Attest:

Secretary.

The requisition was as follows:

November 27, 1923.

To the BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

Requisition is hereby made upon you, pursuant to the provisions of Chapter 134 of the Laws of 1921, by the Transit Commission, for the sum of One Million Dollars (\$1,000,000), which sum said Transit Commission hereby certifies as necessary, on account, to properly enable it to do and perform or cause to be done and performed, for the year ending December 31, 1924, the duties imposed upon said Commission by said law.

Appended hereto is a certified copy of the resolution of the Commission authorizing the execution of the certificate and requisition.

In witness whereof, the Transit Commission has caused this requisition to be signed by its Chairman and its Secretary and its official seal to be hereto affixed this 27th day of November, 1923.

Yours very truly,

TRANSIT COMMISSION,

GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

The communication transmitting the requisition to the Board of Estimate and Apportionment, was as follows:

November 27, 1923.

To the BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, in pursuance of a resolution adopted at its meeting on November 27, 1923, transmits to you herewith, and as a part hereof, a requisition in the sum of One Million Dollars (\$1,000,000), which is the amount necessary and requisite, on account, to enable the said Transit Commission to do and perform or cause to be done and performed, the duties prescribed for it by Chapter 134 of the Laws of 1921, and to provide, on account, for the expenses and compensation of the employees of the said Commission for the year ending December 31, 1924.

Such funds are necessary for the carrying on of the supervision of outstanding construction contracts and of contracts now before your Board for approval, the preparation of contract and detailed plans preliminary to the letting of contracts for the construction of the remaining portions of the lines embraced in the Dual Rapid Transit System, the legalization of additional rapid transit routes, the supervision of plans and contracts of the operating companies under the Dual System, the acquisition of real estate and other rights incident to rapid transit construction, the preparation, negotiation and installation of the statutory plan for the rehabilitation of transit facilities within the City, including the valuation and appraisal of all transit properties, the regulation of transit operation within the City and the performance of other duties imposed on the Commission by statute.

While the duties imposed upon the Commission by statute are so varied that a precise determination of its financial need for the balance of the year cannot now be made, nor an exact division of the amount now requisitioned as between construction, regulation and the development of the statutory plan of reorganization attempted, an approximation, figured as closely as possible, shows that of the amount requisitioned 80% will be expended upon the work incident to construction, 10% upon regulation and the duties incident thereto, and the remaining 10% on account of the plan of reorganization, including the appraisal and valuation of properties, legal expense, etc. The accounts of the Commission are kept in such manner that an exact distribution of expenditure as between the three divisions of its work referred to will be made and recorded as the year proceeds.

Yours very truly,
 TRANSIT COMMISSION,
 GEORGE McANENY,
 Chairman.

1653—R. T. 6881

Order No. 3—Report by Chief Engineer Recommending Request to Board of Estimate and Apportionment for Readjustment of Appropriation under Contract for Storage and Hauling of Untreated Ties and Timber—Approval Resolution—Communication to Board of Estimate and Apportionment

A report was presented from the Chief Engineer dated November 21, 1923, recommending that a request be made to the Board of Estimate and Apportionment for a readjustment of the appropriations made under the contract with J. H. Burton & Company, Inc., for the storage and hauling of untreated ties and timber, so as to appropriate an additional sum of \$1,963.95 chargeable to Contract No. 3, and to rescind the balance of \$3,423.94 chargeable to Contract No. 4.

The following resolution was adopted:

Whereas, The Board of Estimate and Apportionment by action heretofore taken, consented to a proposed contract between The City of New York, acting by the Public Service Commission for the First District, and J. H. Burton & Company, Inc., for the storage and hauling of untreated ties and timber for use in the construction of municipal rapid transit railroads and appropriated for the purposes of said contract, the sums as more particularly indicated in the report of the Chief Engineer with respect thereto, dated November 21, 1923; and

Whereas, The said report of the Chief Engineer recommends that the Commission request the Board of Estimate and Apportionment to appropriate the additional sum of \$1,963.95 for the purposes of meeting the cost of the work under said contract with J. H. Burton & Company, Inc. chargeable to Contract No. 3, and to rescind the sum of \$3,423.94 of the appropriations made for said contract chargeable to Contract No. 4; and

Whereas, Counsel has prepared and submitted a proposed requisition which will effect such recommendation,

Resolved, That said report and recommendation be and the same hereby are approved and that the requisition in the form now submitted by Counsel be and the same hereby is approved, and that it be transmitted to the Board of Estimate and Apportionment of the City of New York.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

November 27, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
 OF THE CITY OF NEW YORK.

Gentlemen:

Your Honorable Board by resolution adopted on April 25, 1919 consented to a proposed contract between The City of New York, acting by the Public Service Commission for the First District and J. H. Burton & Company, Inc., for the storage and hauling of untreated ties and timber to be used in the construction of municipal

rapid transit railroads under the contracts both dated March 19, 1913, and known respectively as Contract No. 3 and Contract No. 4, and appropriated for the purposes of carrying out said contract the sum of Twenty-four thousand, five hundred dollars (\$24,500) of which Fifteen thousand, six hundred dollars (\$15,600) was charged as a sub-authorization against the appropriations made for the purposes of Contract No. 3 and Eight thousand, nine hundred dollars (\$8,900) as a sub-authorization under the appropriations made for the purposes of carrying out Contract No. 4.

In addition further appropriations were made as more particularly indicated in the Chief Engineer's report of November 21, 1923, which is as follows:

"In connection with the attached final papers under the contract dated May 7, 1919 with J. H. Burton & Co., Inc., for the storage and hauling of untreated ties and timbers for the Rapid Transit Railroad of the City of New York, your attention is called to the fact that an adjustment of appropriations and charges is necessary before the final payment can be made.

"The status of the fund is for

	<i>Appropriations</i>	
	Original Appropriation April 25, 1919.....	\$15,600.00
	Additional Appropriation August 12, 1921.....	6,000.00
	Additional Appropriation October 13, 1922.....	2,300.00
	<hr/>	
	Total	\$23,900.00
	Final Cost	25,863.95
Contract No. 3	Amount to be appropriated.....	1,963.95
	<i>Charges</i>	
	Amount charged on Vouchers—Approximate Estimates 1 to 21 inclusive.....	\$22,185.74
	Amount to be charged on account of above Estimates	25,525.04
	<hr/>	
	Amount to be transferred from Contract No. 4.....	\$3,339.30
	<i>Appropriations</i>	
	Original Appropriation April 25, 1919.....	\$8,900.00
	Additional Appropriation August 12, 1921.....	1,000.00
	Rescindment October 13, 1922.....Cr.	300.00
	<hr/>	
	Total	\$9,600.00
	Final Cost	6,176.06
Contract No. 4	Amount available for Rescindment.....	\$3,423.94
	<i>Charges</i>	
	Amount charged on Vouchers—Approximate Estimates 1 to 21 inclusive.....	\$9,515.36
	Amount to be charged on account of above Estimates	6,176.06
	<hr/>	
	Amount to be transferred to Contract No. 3.....	\$3,339.30

"Recommended (1) that the Board of Estimate and Apportionment be requested to rescind an amount of \$3,423.94 from the appropriations heretofore made under Contract No. 4 for the purposes of the contract for storing and hauling untreated ties and timber and apply such amount to the Contract No. 4 general fund and to appropriate an amount of \$1,963.95 from the Contract No. 3 general fund and make such amount available for the purposes of the contract for storing and hauling ties and timbers described above.

(2) that the Comptroller of the City of New York be requested to adjust the charges on account of the contract for storing and hauling untreated ties and timber so as to transfer an amount of \$3,339.30 from Contract No. 4—Code C-CM-404 to Contract No. 3—Code C-CM-305; and

(3) that a copy of request (1) be sent to the Comptroller and a copy of request (2) be sent to the Board of Estimate and Apportionment."

Accordingly the Transit Commission hereby makes requisition upon your Honorable Board for the appropriation of the additional sum of One thousand, nine hundred and sixty-three dollars and ninety-five cents (\$1,963.95) for the purpose of carrying out said contract in so far as it is chargeable to said Contract No. 3, such additional sum to be a sub-requisition under the appropriations heretofore made for the purposes of carrying out said Contract No. 3.

Your Honorable Board is further requested to rescind of the appropriations made by your Honorable Board for said Contract with J. H. Burton & Company, Inc., chargeable to Contract No. 4, the sum of Three thousand, four hundred and twenty-three dollars and ninety-four cents (\$3,423.94).

TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

1654—R. T. 7689

Contract No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Denying Request for Appropriation of \$85 as City's Share for Installing Enamel Signs at Stations—Referred to Counsel

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 16, 1923, was referred to Counsel:

(Cal. No. 27)

Resolved, That the Board of Estimate and Apportionment hereby denies the request of the Transit Commission, under date of September 6, 1923, for an appropriation of eighty-five dollars (\$85) to provide for the cost to the City of New York of installing additional standard enamel station signs at various stations of the rapid transit railroads constructed under Contract No. 3, said sum being one-half of the total estimated cost of this work.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 16, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1655—R. T. 6881

Order No. 3—Certificate by Chief Engineer of Completion of Contract for Storage and Hauling of Untreated Ties and Timber—Resolution Accepting Work and Directing That Certificate Be Filed with Comptroller

The following certificate was approved:

November 21, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Storage and Hauling of Untreated Ties and Timber.

In connection with the contract dated May 7, 1919 between the City of New York and J. H. Burton & Company, Inc., for the storage and hauling of untreated ties and timbers for the Rapid Transit Railroad of the City of New York, I hereby certify that the work was completed on June 30, 1923. The total cost of the work was \$32,040.01.

There was no time limit set in the contract.

Recommended, That the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The Contract dated May 7, 1919, between The City of New York and J. H. Burton & Company, Inc., for the storage and hauling of untreated ties and timber for municipal rapid transit railroads, prescribed no time limit for completion; and

Whereas, The Chief Engineer of this Commission by communication dated November 21, 1923, has reported that the total cost of the work under said contract was \$32,040.01; that the work contemplated by said contract was in all respects completed on June 30, 1923, and recommended that the work so performed be accepted and that

a certificate of such completion and acceptance be prepared and transmitted to the Comptroller of The City of New York,

Resolved, That said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

1656—R. T. 7695

Agreement "CQ"—Resolution Approving Sureties upon Bond in Sum of \$2,000 Deposited by Contractor as Security for Construction of Station Finish at Queensboro Plaza Station—Adopted

The following resolution was adopted:

Resolved, That the Maryland Casualty Company and the Union Indemnity Company be and they hereby are approved as sureties upon the bond in the sum of Two thousand Dollars (\$2,000) deposited by Pattelli & Wilson as security for the faithful performance of the contract for the construction of station finish at the Queensboro Plaza Station, Borough of Queens, Agreement "CQ", each of said sureties being held and bound in the sum of One thousand dollars (\$1,000).

1657—R. T. 7603

Route No. 52, Section No. 3—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Underpinning Building at No. 105 Amity Street, Flushing—Approval Resolution

A report was presented from the Chief Engineer dated November 21, 1923, recommending the approval of a supplementary schedule item, as described below.

The following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item 150 of the contract dated March 28, 1923, between The City of New York, acting by the Transit Commission, and the Oakdale Contracting Company, Inc., for the construction of the Flushing Extension, Route No. 52, Section No. 3, having, subject to the approval of the Commission, agreed with the Contractor upon the following supplementary schedule item:

Item No. 4AP (m)—For maintaining, protecting, securing and underpinning No. 105 Amity Street, the lump sum price of \$2,250.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1658—R. T. 7639

Agreement "CC"—Report by Chief Engineer Recommending Approval of Supplemental Schedule Items under Contract for Alterations in Railroad Structure so as to Permit Widening of East 60th Street, Borough of Manhattan—Approval Resolution

A report was presented from the Chief Engineer dated November 24, 1923, recommending the approval of the establishment of supplemental schedule items, as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of the Commission in pursuance of Item 150 of the Contract, dated May 23, 1923, between the City of New York acting by the Transit Commission of the State of New York, and Jacob Schlesinger, Inc., Contractor under Agreement "CC" for making alterations in railroad structure, Routes 4 & 36, Section 5, to permit the widening of roadway of East 60th Street, Borough of Manhattan, having, subject to the approval of the Commission, agreed with the Contractor, Jacob Schlesinger, Inc., upon the following Supplemental Schedule Items:

Item 20 H-1—For the performance of a part of the work of removing old steel beams and re-erecting them in new location, (The part of the work to be paid for hereunder was originally classified for payment at the lump sum price, in Scheduled Item 20-H. By direction of the Engineer, all of the work shown by Sections SS and MM on working drawings Nos. 213 and 212 respectively, which was originally classified under Item 20-H, has been omitted and the scheduled price for item 20-H is therefore not applicable), the lump sum of Two Hundred Dollars (\$200.00).

Item 20-H-2—For cutting off and removing existing steel sidewalk beams and for wedging up and supporting in place the remaining parts of the existing steel sidewalk beams and sidewalk not removed as shown by modified plans for Sections SS and MM and as directed by the Engineer, the lump sum of One Hundred and Twenty Dollars (\$120.00).

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1659—R. T. 6080

Routes Nos. 19 & 22—Application by Thomas S. Sherwood for Permission to Occupy Premises at No. 1668 Eastchester Road, Borough of The Bronx—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Thomas S. Sherwood, dated November 26, 1923, requesting permission to occupy the building on the premises at No. 1668 Eastchester Road, Borough of the Bronx, at a rental of \$16.00 per month, beginning August 21, 1923.

A report was presented from the Real Estate Clerk dated November 26, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Thomas S. Sherwood by application dated November 26, 1923, has requested permission to occupy a small frame building on the premises known as 1668 Eastchester Road, Borough of The Bronx, part of property acquired by condemnation on August 21, 1923, for purposes of the Westchester Avenue Line Storage Yard, agreeing to pay rent at the rate of \$16.00 per month beginning August 21, 1923, to vacate on fifteen (15) days' notice and to other conditions of a character usually contained in similar applications; and

Whereas, The Real Estate Clerk, under date of November 26, 1923, has reported upon this application recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the aforesaid application, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application.

1660—R. T. 6080

Fourth Avenue Subway—Report by Real Estate Clerk Recommending That Auditor Be Authorized to Turn Over \$100 Deposited by Constantin Vassas as Security for the Replacement of Fences at the Northwest and Southeast Corners of Myrtle Avenue and Flatbush Avenue Extension, Borough of Brooklyn—Approval Resolution

A report was presented from the Real Estate Clerk dated November 26, 1923, recommending that the Auditor be authorized and directed to turn over to the Real Estate Clerk, the sum of \$100 deposited by Constantin Vassas as security for the replacement of fences in the properties at the northwest and southeast corners of Myrtle Avenue and Flatbush Avenue Extension, Borough of Brooklyn.

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of November 26, 1923, has reported that there is in the custody of the Auditor of the Commission a deposit of \$100.00 for the replacement of fences at the northwest and southeast corners of Myrtle Avenue and Flatbush Avenue Extension, Borough of Brooklyn, made by Constantin Vassas in 1915, that the said Vassas surrendered his concession at the northwesterly corner and erected a small building for a restaurant at the southeasterly corner, which building covers the entire building line of the said premises, that upon the death of the said Vassas, the widow, Mary Vassas, succeeded him as tenant, and that the said Mary Vassas in connection with an application dated November 29, 1921, approved by the Commission on December 6, 1921, surrendered to the City title to the said building without, however, the said fence deposit having been returned to her, recommending that, as there will be no need for the replacement of the fence, the said deposit of \$100.00 be returned to the said Mary Vassas, in which recommendation Counsel has concurred;

Resolved, That the Auditor of the Commission be, and he hereby is, authorized and directed to turn over to the Real Estate Clerk of the Commission the said deposit of \$100.00, and that the Real Estate Clerk be, and he hereby is, authorized and directed to deliver the same to the said Mary Vassas and to take therefor from the said Mary Vassas a suitable receipt.

1661—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Furnishing Noncondensing Type Turbine for 59th Street Power Station—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated November 6, 1923, requesting approval of a proposed purchasing agent's order directed to the General Electric Company for furnishing a noncondensing type turbine for the 59th Street Power Station at a cost of \$2,626.

A report was presented from the Consulting Engineer, Dr. Charles E. Lucke, dated November 22, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment of the Railroad to be performed under Work Order No. D-18-A.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has submitted for the approval of this Commission as amplified by its letter of November 6, 1923, a proposed purchasing agent's order dated October 25, 1923, directed to General Electric Company, for the following:

1—375 H. P. 2410 R. P. M. 3 stage non-condensing type D-51 Turbine, as per I. R. T. Co's Motive Power Department spec. No. 104, Issue No. 2.

Turbine to be set for temporary operation at 250 H. P.

2100 R. P. M. with steam at 220 pounds, gauge 1500 F. superheat and 5 pounds back pressure.

Price: \$2,626.00.

To be delivered to our 59th Street and 11th Avenue Power Station in three months from date of order.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 507"; and

Whereas, Consulting Engineer Dr. Charles E. Lucke, approved by the Acting Executive Officers, has reported by communication dated November 26, 1923 that the said equipment is necessary; that the price is reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated November 26, 1923 recommends that the cost of such additional equipment be classified as Additional Equipment for the Railroad, as described in said Contract No. 3, and that Work Order No. D-18-A be assigned thereto,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order to be classified as Additional Equipment for the Railroad as defined and described in said Contract No. 3 and as for which this Commission assigns Work Order No. D-18-A.

1662—R. T. 6597, 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Furnishing Parts for Turnstiles—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated October 29, 1923, requesting approval of a proposed purchasing agent's order directed to Perey Manufacturing Company, Inc. for the purchase and installation of necessary parts for equipping eighteen passimeters with cast-iron heads and wooden arms for the sum of \$900.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 19, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs recommending that the cost be charged to Maintenance.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has, by communication dated October 29, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated October 27, 1923, directed to the Perey Manufacturing Company, Inc., for the following:

"Furnish and attach to eighteen (18) Standard Wing Type Manual Release Passimeters, now at the Register Repair Shop, No. 849 Nostrand Ave., Brooklyn, new cast iron heads and wooden arms, for the sum of \$50.00 for the complete installation on each machine.

Before proceeding with this work you will be required to submit details of the cast iron heads and wooden arms to Mr. H. J. Kolb, Engineer Way & Structure, 85 Clinton Street, Brooklyn, N. Y. for his approval."

which proposed purchasing agent's order has been caused to be designated as "Approval No. 384"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated November 19, 1923, reported that such turnstiles are to be installed in the stations of the Fourteenth Street-Eastern Line and at the Union Square Station of the Broadway-Fourth Avenue Line of the Railroad described in said Contract No. 4; that the plans for such turnstiles have been approved and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated November 20, 1923, has recommended that the cost under said proposed purchasing agent's order be charged to Maintenance,

Resolved, That the reports and recommendations aforesaid be and the same hereby are approved; that the proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is author-

ized and directed to execute the form of approval of this Commission, made part of said proposed purchasing agent's order, the cost thereunder to be charged to Maintenance under and in accordance with the provisions of said Contract No. 4.

1663—R. T. 6820

Fourth Avenue Subway—Copy of Communication to New York Rapid Transit Corporation Requesting Attitude of Company with Respect to Removal of Mall Spaces, Subway Kiosks and Ventilators on Fourth Avenue between Atlantic Avenue and 60th Street, Brooklyn—Approved and Ordered Filed

The following copy of the communication to the New York Rapid Transit Corporation was approved and ordered filed:

November 23, 1923.

MR. W. S. MENDEN, President,
New York Rapid Transit Corp.,
85 Clinton Street, Brooklyn, N. Y.

Removal of mall spaces, subway kiosks and ventilators on 4th Avenue between Atlantic Avenue and 60th Street, Brooklyn.

Dear Sir:

The Board of Estimate and Apportionment has under consideration the removal of mall spaces, the subway kiosks and ventilators on 4th Avenue between Atlantic Avenue and 60th Street, Borough of Brooklyn, and it has requested the Commission for an estimate of cost for doing the work of changing the subway structure to conform to this plan proposing to locate new entrances to the subway on the sidewalks of the Avenue.

The resolution of the Board of Estimate and Apportionment dated November 16, 1923 requests the Transit Commission to ascertain the attitude of your Company upon the proposed public improvement. Will you therefore be good enough to communicate to this Commission, at your earliest convenience, the attitude of your Company with respect to this matter.

Very truly yours,
JAMES B. WALKER,
Secretary.

1664—R. T. 6418, 6420

Third Tracking and Extension Certificates—Report by Chief Engineer Transmitting Statement of Cost to June 30, 1922—Referred to Counsel and Chief Accountant

A report by the Chief Engineer dated November 22, 1923, transmitting a statement of cost dated August 30, 1923, of additional tracks and extensions to elevated lines for the period ended June 30, 1922, under the certificates granted to the Manhattan Railway Company and the Interborough Rapid Transit Company was referred to Counsel and the Chief Accountant.

1665—R. T. 6567

Contract No. 3—Report by Chief Engineer Transmitting Thirty-seventh Quarterly Determination of Costs—Referred to Counsel and Chief Accountant

A report by the Chief Engineer dated November 22, 1923, transmitting the Thirty-seventh Quarterly Determination of Costs rendered under Contract No. 3, dated August 30, 1923, for the period ended June 30, 1922, was referred to Counsel and the Chief Accountant.

1666—R. T. 6553

Contract No. 4 and Related Certificates—Report by Chief Engineer Transmitting Thirty-seventh Quarterly Determination of Cost—Referred to Counsel and Chief Accountant

A report by the Chief Engineer dated November 22, 1923, transmitting the Thirty-seventh Quarterly Determination of Cost rendered under Contract No. 4 and Related Certificates, dated August 30, 1923, for the period ended June 30, 1922, was referred to Counsel and the Chief Accountant.

1667—Cases 1264, 1380

The Long Island Railroad Company—Alterations of Grade Crossings at Hempstead and Jamaica Turnpike et al.—Order Approving Plan Showing Drains on Springfield Boulevard (Creed Avenue) Adopted

The Secretary presented a communication, dated November 10, 1923, from L. V. Morris, Chief Engineer of The Long Island Railroad Company, submitting for approval plan showing drains on Springfield Boulevard (Creed Avenue) in connection with the eliminations directed by the Order in Cases Nos. 1264 and 1380.

The Secretary also presented a report, dated November 14, 1923, by C. J. Slipper, Assistant Engineer, approved by W. L. Selmer, Acting Chief, Bureau of Railroad Inspection, recommending the approval of said plan.

Thereupon the Commission adopted and ordered filed an Order in Cases Nos. 1264 and 1380, in the following form:

Present:

GEORGE McANENY, Chairman,	} Commissioners.
LEROY T. HARKNESS.	

IN THE MATTER
of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossing with the tracks of THE LONG ISLAND RAILROAD COMPANY:
Hempstead and Jamaica Turnpike.

CASE No. 1264.

IN THE MATTER
of the

Hearing on the motion of the Commission on the question of alterations and changes in the following grade crossings with the tracks of THE LONG ISLAND RAILROAD COMPANY:

Bennett or Baylis Avenue
Wertland Avenue
Creed Avenue
Madison Avenue.

ORDER APPROVING PLAN.
CASE No. 1380.

The Public Service Commission having on or about the 8th day of December, 1911 adopted orders and determinations herein as to changes in grade crossings at the above named avenues and streets over the tracks of the Long Island Railroad Company and said railroad company having by a communication dated November 10, 1923 submitted for approval a plan showing drains on Springfield Boulevard (Creed Avenue) to be

constructed in conjunction with the eliminations involved herein, and the Commission having examined said plan and it appearing that the same is satisfactory, it is hereby Ordered, That the plan described and identified as follows:

"QUEENS ELIMINATION
PLAN SHOWING DRAINS ON
SPRINGFIELD BOULEVARD (CREED AVE.)
L. I. R. R. CO.
OFFICE OF THE CHIEF ENGINEER
DRAWING No. 840-Q
SCALE 20'-1" DATE—10-21-22

be and the same hereby is approved.

Further Ordered, That this approval shall not be deemed as binding upon the State of New York and The City of New York to pay any share of the cost of any additions and betterments to the railroad over and above such work as is necessary to carry the said streets across the tracks of the said railroad.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1668—Case 1399

New York Rapid Transit Corporation et al.—Quarterly Reports—Extension Order Adopted

The Secretary presented a communication, dated October 9, 1923, from M. B. Hoffman, Assistant Counsel, requesting on behalf of the New York Rapid Transit Corporation, the New York Consolidated Railroad Company and Lindley M. Garrison, as Receiver thereof, a further extension of time to December 1, 1923, within which to file quarterly reports for the quarter ended June 30, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1399, granting the desired extension of time to December 1, 1923.

1669—Case 2690

New York Rapid Transit Corporation et al.—Form of Annual Report—Extension Order Adopted

The Secretary presented a communication, dated October 31, 1923, from M. B. Hoffman, Assistant Counsel, requesting on behalf of Lindley M. Garrison, as Receiver, New York Consolidated Railroad Company and the New York Municipal Railway Corporation, and on behalf of the New York Rapid Transit Corporation, a further extension of time to December 1, 1923, within which to file annual reports for the year ended June 30, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2690, granting the desired extension of time to December 1, 1923.

1670—R. T. 7661

Route No. 78-A—Communication from Board of Estimate and Apportionment Transmitting Certified Copy of Resolution Approved by Acting Mayor Consenting to Route and General Plan for St. Nicholas Avenue, Broadway and Fort Washington Avenue Route—Filed

The Commission ordered filed a communication from the Board of Estimate and Apportionment dated November 23, 1923, transmitting the following certified copy of

the resolution adopted on November 9, 1923, approved by the Acting Mayor on November 16, 1923:

Whereas, The Transit Commission has duly determined upon a route or routes and general plan of construction of a rapid transit railway for the conveyance of persons and property, to be established in the City of New York, in addition to the already existing lines, and did, by resolution adopted October 11, 1923, adopt such route or routes and general plan, being more particularly known as St. Nicholas Avenue, Broadway and Fort Washington Avenue Route; and

Whereas, Thereafter said Transit Commission did transmit to the Board of Estimate and Apportionment of the City of New York a copy of the plans and conclusions for such route or routes as adopted, which plans and conclusions were received by the said Board of Estimate and Apportionment on the 19th day of October, 1923, at a meeting of said Board of Estimate and Apportionment duly held on said day; and

Whereas, Said Board of Estimate and Apportionment, by resolutions duly adopted at said meeting, did appoint a day not less than one week nor more than 10 days after the receipt thereof for the consideration of such plans and conclusions, to wit, the 26th day of October, 1923, at 10:30 o'clock A. M., and proceeded with and continued such consideration until November 9, 1923, when such consideration was concluded; and

Whereas, The plans and conclusions are fully set forth in the resolution adopted by the Transit Commission on October 11, 1923, and which resolutions are as follows:

RESOLUTIONS ADOPTED BY THE TRANSIT COMMISSION OCTOBER 11, 1923.

St. Nicholas Avenue, Broadway and Fort Washington Avenue Route.
(Route No. 78-A.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination.

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

Route.

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point in St. Nicholas Avenue at or near West 162d Street where a connection can conveniently be made with other proposed rapid transit railroads; thence extending northerly as a subway or tunnel along and under St. Nicholas Avenue to a point in St. Nicholas Avenue at or near Broadway and West 169th Street; thence extending northerly along and under Broadway to a point in Broadway at or near West 173d Street; thence curving northwesterly across and under private property, to a point in Fort Washington Avenue at or near West 174th Street; thence extending northerly under and along Fort Washington Avenue to a point in Fort Washington Avenue at or near West 175th Street, where a connection can conveniently be made with other proposed rapid transit railroads.

General Plan of Construction.

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or subsurface structures or other special or local necessities, and at curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable, except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to any part of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purpose of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in one tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of roadway.

Station and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction

shall be only by tunneling or trench excavation under cover unless the Commission, in cases of necessity and for such times as may be necessary, permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

Mode of Operation.

The general mode of operation of the route above described shall be by electricity, or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

Definitions.

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

Maps or Drawings.

It is further resolved, That the map or drawing entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route 78-A, St. Nicholas Avenue, Broadway and Fort Washington Avenue Route, Borough of Manhattan," dated October 9, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

TRANSIT COMMISSION,
By JAMES B. WALKER,
Secretary.

October 11, 1923.

Now, therefore, be it

Resolved, That the Board of Estimate and Apportionment of the City of New York, by a majority vote, according to the number of votes by law pertaining to each member of the Board, hereby approves such plans and conclusions and consents to the construction of a railway or railways in accordance therewith.

A true copy of resolution adopted by the Board of Estimate and Apportionment November 9, 1923.

PETER J. MCGOWAN,
Secretary.

The foregoing resolution is hereby approved.

MURRAY HULBERT,
Acting Mayor.

Dated, New York, November 16, 1923.

I hereby certify that the foregoing is a true copy of the original approved resolution as filed in this office.

PETER J. MCGOWAN,
Secretary.

1671—R. T. 7664

Route No. 33, Section No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Construction of Station Finish at Lawrence Street Station and Authorizing Appropriation of \$51,073.65—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution, adopted by the Board of Estimate and Apportionment on November 16, 1923, was ordered filed:

(Cal. No. 100)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated October 30, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with the Station Finish Corporation for the construction of station finish for part of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section 3, Lawrence Street Station, at an estimated cost of fifty-one thousand and seventy-three dollars and sixty-five cents (\$51,073.65), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be fifty-one thousand and seventy-three dollars and sixty-five cents (\$51,073.65); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of the City of New York to an amount not exceeding fifty-one thousand and seventy-three dollars and sixty-five cents (\$51,073.65), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purpose of said contract; said issue of corporate stock to be charged as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 16, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated November 24, 1923, returning the above mentioned contract, approved as to form, was also ordered filed.

1672—R. T. 7645

Agreement "CS"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Construction of Duct Line at 239th Street Yard and Authorizing Appropriation of \$9,663—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 16, 1923, was ordered filed:

(Cal. No. 96)

Resolved, That pursuant to the requisition of the Transit Commission to this Board, dated October 11, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with Felix Hanratty for the construction of a railroad duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad (Route No. 18), Borough of The Bronx, Agreement "CS," at an estimated cost of nine thousand six

hundred and sixty-three dollars (\$9,663), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be nine thousand six hundred and sixty-three dollars (\$9,663); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter and the requisition of the Transit Commission, dated October 11, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding nine thousand six hundred and sixty-three dollars (\$9,663), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million, two hundred thousand dollars (\$28,200,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 16, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated November 24, 1923, returning the above mentioned contract, approved as to form, was also ordered filed.

1673

Expenses—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$400,000 as Expenses for Year Ending December 31, 1923—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 16, 1923, was ordered filed:

(Cal. No. 99)

Resolved, That the Board of Estimate and Apportionment, in accordance with the requisition of the Transit Commission dated October 30, 1923, and pursuant to the provisions of chapter 134 of the Laws of 1921, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, hereby authorizes an appropriation in the sum of four hundred thousand dollars (\$400,000) in addition to the amounts heretofore appropriated, to properly enable the Transit Commission to do and perform or cause to be done and performed, for the year ending December 31, 1923, the duties imposed upon said Commission by the said law; and the Comptroller is hereby authorized, pursuant to law and the said requisition of the Transit Commission, to issue special revenue bonds of The City of New York to an amount not exceeding four hundred thousand dollars (\$400,000), redeemable from the tax levy of the year next succeeding the year of their issue, the proceeds to be used for the purposes aforesaid.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 16, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1674—R. T. 7695

Agreement "CQ"—Statement as to Execution and Delivery of Original Contract for Construction of Station Finish at Queensboro Plaza Station—Filed

The Commission ordered filed an original contract dated November 21, 1923, between the Transit Commission and Pattelli & Wilson for the construction of station finish work at the Queensboro Plaza Station, Agreement "CQ," which contract had been executed on behalf of both parties and delivered on November 24, 1923.

1675—R. T. 6881

Order No. 3—Consents of Sureties to Resolution Extending Time to December 31, 1924, within Which to Complete Delivery of Open Hearth Rail—Filed

The Commission ordered filed, consents of the sureties upon the bond deposited by the Bethlehem Steel Products Company, to the resolution of the Commission, adopted on November 13, 1923, extending the time of the contractor, to and including December 31, 1924, within which to complete the delivery of 85 pound and 100 pound open hearth rail—Order No. 3.

1676—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Transmitting List of Sub-contracts Approved during Month of October, 1923—Filed

The Commission ordered filed a report by the Chief Engineer, dated November 24, 1923, transmitting a list of sub-contracts approved during the month of October, 1923.

1677—R. T. 7112

Route No. 5—Communication from Interborough Rapid Transit Company Transmitting Copy of Agreement for Lease of Ducts in Tunnel under Harlem River—Filed

The Commission ordered filed a communication from the Interborough Rapid Transit Company, dated November 19, 1923, transmitting a copy of an agreement dated October 5, 1923, between the Interborough Rapid Transit Company and the New York Telephone Company, for the lease to the Telephone Company of eight excess ducts in the Harlem River Tunnel of the Seventh Avenue-Lexington Avenue Line, for a term of fifteen years, at an annual rental of \$1800 per duct mile.

1678

Lease—Proposed Lease for Ground Floor of Premises at No. 9215 Fifth Avenue, Borough of Brooklyn—Approval Resolution

The following resolution was adopted:

Resolved, That this Commission do and it hereby does approve the proposed form of lease from Christy Accardi and Elizabeth Accardi, now submitted to this Commission, covering the ground floor store located at and designated as 9215 Fifth Avenue, Borough of Brooklyn, City of New York, to be occupied as an office for a term commencing from the 16th day of November, 1923 to the 16th day of November, 1924 with option of renewal for a further term of one year from the last mentioned date, at the annual rental of Seven hundred and eighty (\$780) dollars, payable in monthly installments and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said lease for and on behalf of this Commission.

1679

National Association of Railway and Utilities Commissioners

Upon motion made and duly seconded, the Secretary was authorized to attend the annual convention of the National Association of Railway and Utilities Commissioners in Miami, Florida, from December 4 to December 7, 1923, inclusive.

1680

Employees' Calendar No. 177

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointment—Joseph P. Gowan, junior assistant, at \$125.08 per month, to take effect October 27, 1923.

Appointments under Rule VIII:4—Harry S. Babcock, junior assistant, at \$125.08 per month, to take effect November 26, 1923; Gerard J. Brinkman, junior assistant, at \$125.08 per month, to take effect December 3, 1923; Guy D. Faulkner, draftsman, at \$175.08 per month, to take effect November 26, 1923; Leo M. Glasser, junior assistant, at \$125.08 per month, to take effect November 26, 1923; Martin Katz, junior clerk, at \$60.00 per month; to take effect November 23, 1923; Dominick A. Masucci, junior assistant, at \$125.08 per month, to take effect November 26, 1923; Edward I. Meltzer, junior clerk, at \$60.00 per month, to take effect November 26, 1923; Daniel J. Quilty, junior assistant, at \$125.08 per month, to take effect November 20, 1923; Arthur W. Smith, junior assistant, at \$125.08 per month, to take effect November 21, 1923; William Spivak, junior assistant, at \$125.08 per month, to take effect November 21, 1923; Jacob J. Sternbach, draftsman, at \$175.08 per month, to take effect November 20, 1923.

Appointment under Rule VIII:9—Harold H. Dunn, consulting traffic expert, when employed, at \$35.00 per diem, to take effect August 1, 1923.

Reinstated under Rule XVI:1—Irving Miller, junior accountant, at \$137.50 per month, to take effect September 1, 1923.

Resignations—K. Samuel Axelrod, junior assistant, at \$125.08 per month, to take effect November 24, 1923; Justin D. Graves, junior assistant, at \$125.08 per month, to take effect November 30, 1923; Leland V. Matheis, junior assistant, at \$125.08 per month, to take effect November 21, 1923; Alfred W. Wyman, draftsman, at \$175.08 per month, to take effect November 24, 1923.

Laid Off for Lack of Work—Irving Miller, junior accountant, at \$137.50 per month, to take effect August 31, 1923.

1681

Voucher Schedule No. 49

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of the State of New York, as the vouchers may direct:

Vouchers Nos. 1036-1053, open market orders, \$5,338.47; Vouchers Nos. 553-599; 601-607; 609-611, miscellaneous bills, \$5,649.76; Vouchers Nos. 29-34, special payroll, \$6,929.36.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 313; Jacob Schlesinger, Inc., approximate estimate No. 16 for the construction of a second addition to shops at the Lenox Avenue and 148th Street Yard, under Contract No. 3 (R. T. 7368), \$12,452.87;

Voucher No. 314; McClintic-Marshall Co.; approximate estimate No. 3 for furnishing and erecting structural steel for third addition to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3 (R. T. 7590), \$44,706.82;

Voucher No. 315; J. H. Burton & Co., Inc.; final estimate for the storage and hauling of untreated ties and timber for the rapid transit railroad of the City of New York to June 30, 1923 (R. T. 6881), \$338.91.

1682

Upon motion duly seconded and adopted, the meeting was adjourned to Wednesday, December 5, 1923.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, November 28, 1923

1683

Hearing

The following hearing was held:

2:45 P. M.; Case No. 2704; Manhattan Railway Company; Application for determination pursuant to Chapter 635 of the Laws of 1923, of the railway facilities and structures necessary for the public convenience, in the vicinity of its elevated railway station at 3rd Avenue and 42nd Street. George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Adjourned to December 3, 1923, at 2:30 P. M.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, November 30, 1923

1684—R. T. 7707

Order No. 23—Receipt of Bids for Supply of Special Work—Referred to Chief Engineer

Chairman McAneny stated that the time within which to receive bids for the supply of special work, Order No. 23, for use in the construction of a part of the Lenox Avenue and 148th Street Yard, had elapsed at 11:30 A. M. and directed the Secretary to open the sealed box which had been provided for the deposit of such bids and to read the bids received. The Secretary presented the proper affidavits of publication and opened the box and read the four bids received. The bids were then referred to the Chief Engineer.

JAMES B. WALKER,
Secretary.

PROCEEDINGS OF
TRANSIT COMMISSION
49 Lafayette Street
Borough of Manhattan, City of New York

Proceedings for Monday, December 3, 1923

1685
Hearing

The following hearing was held:

2:45 P. M.; Case No. 2704; Manhattan Railway Company; Application for a determination pursuant to Chapter 635 of the Laws of 1923, of the railway facilities and structures necessary for the public convenience, in the vicinity of its elevated railway station at 3rd Avenue and 42nd Street, New York City. George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Adjourned to December 4, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, December 4, 1923

1686
Hearings

The following hearing was held:

10:30 A. M.; Case No. 2704; Manhattan Railway Company; Application for a determination pursuant to Chapter 635 of the Laws of 1923, of the railway facilities and structures necessary for the public convenience, in the vicinity of its elevated railway station at 3rd Avenue and 42nd Street, New York City. George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Hearing closed.

The following hearing was adjourned:

Case No. 2699; Manhattan Bus Corporation; Application for a certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan. Adjourned upon request of petitioner to December 18, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, December 5, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1687

The Minutes of the Proceedings for the month of September, 1923, were approved.

1688—R. T. 7707

Order No. 23—Resolution Authorizing Return of Checks to All But Lowest Bidder for Supply of Special Work—Filed

The following resolution was adopted:

Resolved, That upon the receipt of the report by the Chief Engineer as to the bids received on November 30, 1923 for the supply of special work, Order No. 23, for use in the construction of a part of the Lenox Avenue and 148th Street Yard, the Secretary be and he hereby is authorized and directed to return to all except the lowest bidder the certified checks in the sum of One thousand dollars (\$1,000) each deposited with their bids.

1689—R. T. 7707

Order No. 23—Report by Chief Engineer as to Receipt of Bids for Supply of Special Work and Recommendation for Award of Contract to Bethlehem Steel Company at Bid Price of \$12,544—Approval Resolution—Requisition Upon Board of Estimate and Apportionment for Appropriation of \$13,000

The following report was approved:

December 1, 1923.

To the TRANSIT COMMISSION:

Proposed Contract for the Supply of Special Work, Order No. 23—Part of Lenox Avenue and 148th Street Yard.

Bids opened on November 30th for the supply of Special Work, Order No. 23 for use in part of the Lenox Avenue and 148th Street Yard, resulted, as follows:

Bethlehem Steel Company	\$12,544.00
Ramapo Ajax Corporation	13,484.00
Wm. Wharton Jr. & Co., Incorporated.....	13,839.00
Railway Switch & Crossing Corporation.....	20,005.65

The lowest bidder has furnished a large amount of similar material for use in the past and I believe there is no question as to their engineering and financial ability to turn out this order in a satisfactory manner.

Attached hereto are copies of the tabulation of bids.

The form of contract has an extra work clause in it and there is also a provision which permits the City order delivery of the material at points outside of the free lighterage limits of the City of New York in which case the City will be obligated to pay the additional freight, if any. In view of this I believe an amount in excess of the net amount of the bid should be requisitioned.

Recommendation: That, with the concurrence of Counsel, the contract be awarded to the Bethlehem Steel Company at their bid price of \$12,544 and that \$13,000 be requisitioned from the Board of Estimate and Apportionment all chargeable to Contract No. 3.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The form of the proposed contract for the supply of special work (Order No. 23) for part of the Lenox Avenue and 148th Street Yard was finally adopted on

November 13, 1923, and subsequent to advertisement duly made bids respectively totalling as follows were received on November 30, 1923:

Bethlehem Steel Company	\$12,544.00
Ramapo Ajax Corporation	13,484.00
William Wharton Jr. & Co. Incorporated.....	13,839.00
Railway Switch & Crossing Corporation.....	20,005.65

; and

Whereas, The Chief Engineer of this Commission, by communication dated December 1, 1923 has reported that the amount of said bid is reasonable and that the said Bethlehem Steel Company, the low bidder, is financially able and competent to perform the work under said proposed contract and has recommended the award of said proposed contract to it, and the making of a requisition upon the Board of Estimate and Apportionment for the sum of \$13,000 the amount estimated to be necessary to carry out said proposed contract,

Resolved, That the said report and recommendation of the Chief Engineer be and the same is hereby approved; that the bid of Bethlehem Steel Company submitted as aforesaid be and the same hereby is accepted and the said proposed contract for the supply of special work (Order No. 23) for part of the Lenox Avenue and 148th Street Yard, be and the same hereby is awarded to said Bethlehem Steel Company, subject to its being approved and consented to in form and substance as required by law, and that said proposed contract, together with a requisition upon the Board of Estimate and Apportionment in the form now submitted by Counsel for the consent of said Board and the appropriation of the sum of \$13,000 estimated to be necessary to meet the City's obligation under said proposed contract, be transmitted to said Board of Estimate and Apportionment.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

December 5, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission, pursuant to the authority vested in it by the provisions of Chapter 134 of the Laws of 1921, transmits herewith for the consent of your Honorable Board as required by law, a proposed contract to be entered into between The City of New York, acting by the Transit Commission, and Bethlehem Steel Company, for the supply of special work (Order No. 23) for part of the Lenox Avenue and 148th Street Yard, together with a requisition upon your Honorable Board for the appropriation of the sum of Thirteen thousand dollars (\$13,000), being the amount estimated to be necessary to meet the City's obligations under said proposed contract.

Advertisement has been duly made for proposals for said proposed contract and bids were received on November 30, 1923, respectively totalling as follows:

Bethlehem Steel Company	\$12,544.00
Ramapo Ajax Corporation	13,484.00
William Wharton Jr. & Co. Incorporated.....	13,839.00
Railway Switch & Crossing Corporation.....	20,005.65

The Chief Engineer of this Commission, in a communication dated December 1, 1923 reports that the bid of Bethlehem Steel Company, the low bidder, is reasonable and that the said company is competent and financially capable of carrying out the provisions of said proposed contract, and the Transit Commission has accepted said bid and awarded said proposed contract to said Bethlehem Steel Company, subject to its being approved and consented to in form and substance as required by law.

Your Board is therefore requested to consent to said proposed contract herewith transmitted and to prescribe a limit to the amount of bonds available to meet the requirements of said proposed contract, to wit, the sum of Thirteen thousand dollars (\$13,000), and also to direct the Comptroller of The City of New York to issue the bonds of said City at such a rate of interest as the Commissioners of the Sinking Fund may prescribe for the purpose of providing the necessary means for meeting the City's obligations under said proposed contract, to wit, the sum of Thirteen thousand dollars (\$13,000).

Your Board is also requested to authorize, pursuant to Section 45 of the Greater New York Charter, the issuance of corporate stock for the full amount necessary to pay the estimated expense to the City of carrying out said proposed contract.

This requisition is in addition to the requisitions heretofore made for the purpose of carrying out the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission, and Interborough Rapid Transit Company, known as Contract No. 3.

TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

1690—R. T. 6326, 6327

Route No. 11-B, Sections Nos. 1 and 2—Communication from Department of Finance Requesting Modification of Payment of Judgment of Degnon Contracting Company, Inc., so as to Increase Allowance for Interest—Approval Resolution—Requisition Upon Board of Estimate and Apportionment for Appropriation of \$7,606.79

A communication dated November 24, 1923, was presented from the Department of Finance by A. J. Philbin, Deputy Comptroller, requesting the modification of the payment of the judgment obtained by the Degnon Contracting Company, Inc., for claims arising under the contracts for the construction of Sections Nos. 1 and 2 of Route No. 11-B, so as to increase the allowance for interest on the amount of the judgment.

The following resolution was adopted:

Whereas, This Commission by resolution adopted on October 2, 1923, made requisition in accordance with the request of the Department of Finance, upon the Board of Estimate and Apportionment of The City of New York, for the appropriation of the sum of \$39,053.23, together with costs amounting to \$575.46, and interest from May 7, 1923 to the date of payment, to meet the judgment obtained by the Degnon Contracting Company, Inc., in respect of claims arising out of the performance of the work under the contract between the said Company and The City of New York for the construction of those portions of the municipal rapid transit railroad known as Sections Nos. 1 and 2 of Route No. 11-B of the so-called Fourth Avenue Line; and

Whereas, By communication dated November 24, 1923, A. J. Philbin, Deputy Comptroller of The Department of Finance, has requested a modification of such payment so as to increase the allowance for interest on the amount of said judgment; and

Whereas, Counsel has prepared and submitted a proposed requisition which will affect such request and also the Auditor of the Commission has prepared and submitted a voucher for the amount of such additional interest, such voucher appearing on the regular schedule therefor,

Resolved, That said requisition so submitted be and the same hereby is approved and that it be transmitted to the Board of Estimate and Apportionment, supplementing the requisition of this Commission of October 2, 1923.

The communication to the Board of Estimate and Apportionment, as authorized by the above resolution, was as follows:

December 5, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

On October 2, 1923 the Transit Commission, as therein more particularly set forth and predicating such action upon the request of the Department of Finance as indicated in the letter dated September 18, 1923 from Honorable F. J. Prial, Deputy Comptroller, made requisition upon your Honorable Board for the appropriation of the sum of Forty Thousand, Six Hundred and Fifty-one Dollars and Forty-four cents (\$40,651.44) for the purpose of meeting a judgment obtained by the Degnon Contracting Company upon claims growing out of the contract for the construction of Sections 1 and 2 of Route No. 11-B of the Fourth Avenue Rapid Transit Railroad.

This requisition is pending before your Honorable Board.

Subsequently and on November 24, 1923, Honorable A. J. Philbin, Deputy Comptroller, further advised this Commission with respect to such matter, as follows:

"The Comptroller has directed that the judgment in favor of the Degnon Contracting Company, or Parker & Aaron, attorneys, for the sum of \$39,053.23, together with costs amounting to \$575.46 and interest thereon,

' * * * bears interest from the date entered, viz., April 10, 1920, upon the amount fixed by the Court of Appeals.'

Will you therefore direct that vouchers for the necessary amounts be transmitted to this Department (in lieu of those previously transmitted, bearing interest on the amount of the judgment from May 7, 1923) plus interest from April 10, 1920, to such a date subsequent to the date of the voucher as would admit of the necessary warrants being prepared, signed, etc. for payment. These vouchers to be charged against the codes and in the amounts of the judgment as stated in the communication from this Department, to your Commission dated September 18, 1923, in this matter."

Accordingly, the Commission has prepared and transmitted to the Comptroller of the City of New York simultaneously with the making of this requisition an additional voucher for the amount of the increased interest due to the change of dates both as to the beginning of the period of interest charged and also as to the new date of anticipated payment of the voucher. This additional sum amounts to Seven Thousand, Six Hundred and Six Dollars and Seventy-nine Cents (\$7,606.79).

The Transit Commission accordingly amends and supplements its requisition of October 2, 1923 and requests that the sum therein indicated be increased by the amount of the sum of Seven Thousand, Six Hundred and Six Dollars and Seventy-nine Cents (\$7,606.79) and it makes requisition herewith for said additional sum divided as follows:

Route 11-B, Section No. 1.....	\$5,710.67
Route 11-B, Section No. 2.....	1,896.12

TRANSIT COMMISSION,

By GEORGE McANENY,

Chairman.

1691—R. T. 7689

Contract No. 3—Report by Counsel Submitting Findings in Matter of Denial by Board of Estimate and Apportionment of Appropriation of \$85.00 as City's Share for Installing Enamel Station Signs—Communication to Board of Estimate and Apportionment Requesting Reconsideration—Approved

The following report by Counsel was presented:

November 30, 1923.

From: WILLIAM G. FULLEN, Counsel.

To: TRANSIT COMMISSION.

Subject: Additional Enamel Signs.

Pursuant to resolution adopted by the Transit Commission, on September 6, 1923 the Secretary transmitted to the Board of Estimate and Apportionment on the same date a requisition for the appropriation of the sum of \$85.00, being one-half of the estimated cost of installing additional standard enamel station signs on certain stations of the Railroad and the Existing Railroads, as described and defined in the contract dated March 19, 1913 between The City of New York and Interborough Rapid Transit Company, known as Contract No. 3. It was provided in the resolution of the Commission that such work would be performed by the Interborough Rapid Transit Company, as Lessee under Contract No. 3.

Thereafter and on November 16, 1923 the Board of Estimate and Apportionment adopted the following resolution:

(Cal. No. 27)

"Resolved, That the Board of Estimate and Apportionment hereby *denies* the request of the Transit Commission, under date of September 6, 1923, for an appropriation of eighty-five dollars (\$85) to provide for the cost to the City of New York of installing additional standard enamel station signs at various stations of the rapid transit railroads constructed under Contract No. 3, said sum being one-half of the total estimated cost of this work."

The report of the Engineers of the Board was in favor of the requisition and nothing appears in the record so far as I know which indicates the reason for the denial as evidenced by the Board's resolution. However, I recall the colloquy that ensued on the consideration of this matter by the members of the Board of Estimate and Apportionment at the said meeting of November 16, 1923 and summarized, the objection seemed to be that the work of installing these additional signs was a proper charge to Maintenance or Operating Expense and therefore deductible from Revenue.

Prior to the submission of this matter to the Board of Estimate and Apportionment the Accountants of the Commission certified to the correctness of the classification of this work as Additions under Contract No. 3.

It is quite pertinent to remark that the original signs installed on the stations in question were charged to Capital Account. The original signs are not being in any way changed or altered but additional new similar signs found to be necessary for the use and convenience of the travelling public utilizing such stations are to be installed and it is difficult to perceive why there should be any different accounting basis for them. The size of the unit, of course, cannot be controlling and I instance the case, by way of analogy, of a station having three stairways and it is subsequently found necessary to the betterment and improvement of the service and the convenience of the people to add a fourth stairway. Applying the only assignable reason for the action of the Board of Estimate and Apportionment in the case under consideration it would follow that the cost of the fourth stairway could not be capitalized.

Contract No. 3 contemplated Construction of the Railroad, as defined and described therein, but also provided for the necessary enlargement of the physical structure of the Railroad or of the Existing Railroads which were to be operated jointly and we find in Subdivision 16 of Article II of Contract No. 3 the definition of the word Additions as follows:

"The word 'Additions' to mean betterments, additions and improvements to the Railroad and Equipment and to the Existing Railroads and to the Existing Equipment which are constructed or provided after the commencement of initial operation in accordance with the provisions of Chapters IV and V of Part Third of this contract and also such Equipment as is provided for initial operation and which shall cost in excess of the amount specified above in the definition of Equipment for Initial Operation; but shall not mean repairs, replacements, substitutions or renewals to the Railroad or Equipment or to the Existing Railroads or Existing Equipment, made after the placing in operation of the portion thereof so repaired, replaced or renewed or for which such new part is substituted."

While the amount of the requisition is small, yet the principle involved is as large as the life of the contract and should be corrected in the first instance.

I am therefore of the opinion that such enamel signs being additional new signs and not repairs, replacements, substitutions or renewals of the existing or original signs constitute Additions, as defined in the contract imposing the obligation upon The City of New York to pay one-half the cost thereof in accordance with Article LXX of said Contract No. 3, which provides as follows:

"The principal object of the City in making this contract is to secure for the public convenience an adequate, comfortable and rapid system of passenger transportation in the portions of New York which will be served by the Railroad and the Existing Railroads. By the foregoing provisions of the Lease the Lessee has covenanted, among other things, to operate the Railroad and the Existing Railroads carefully and skillfully, according to the highest standards of railway operation; to supply adequate Equipment; to run trains so as to furnish adequate service; to use the best safety devices; to keep the Railroad, the Equipment, the Existing Railroads and the Existing Equipment, clean, dry, well lighted, heated and ventilated; and to do other things, as hereinbefore set forth, for the convenience and accommodation of the public. These covenants on the part of the Lessee are among the principal moving considerations to the City in making this contract, and any breach thereof will entitle the City to the remedies provided in this contract. If at any time Additions to the Railroad or Equipment or to the Existing Railroads or Existing Equipment or any change in the mode of operating the Railroad or the Existing Railroads or conducting the business thereof are necessary in order to carry out the purposes of the Lease in securing service and facilities as shall be safe and adequate and in all respects just and reasonable, the Commission

[December 5, 1923]

may direct the construction or provision of such Additions and the making of such changes in the mode of operation of the Railroad or the Existing Railroads or in the conduct of the business thereof as may be necessary to accomplish such purposes. Such construction or provision of Additions and such changes shall be made to the satisfaction of the Commission and, when necessary, under such forms of contracts, plans, specifications and directions as it may issue or approve. If the direction shall have reference to the Equipment or to operation the cost of complying therewith shall be borne by the Lessee. If the direction shall have reference to construction the cost of complying therewith shall be shared equally by the City and by the Lessee (except in the case of Additions to the Extensions in which event the cost shall be borne wholly by the City) and the work necessary shall be done under the supervision and direction of the Commission and under contracts let by the Commission or directly by the Lessee as the Commission may elect. If the Lessee shall neglect or refuse to comply with such direction the Commission in addition to other remedies may cause such changes or Additions to be made at the expense of the Lessee."

I recommend that a copy of these findings be forwarded to the Board of Estimate and Apportionment with the resubmission of the matter for its reconsideration and that it be suggested, if this is not convincing, that the matter be referred to the Corporation Counsel and his auditors.

WILLIAM G. FULLEN,
Counsel.

The following communication to the Board of Estimate and Apportionment, was approved:

December 5, 1923.

To the BOARD OF ESTIMATE AND APPOINTMENT
OF THE CITY OF NEW YORK,
Municipal Building,
New York City.

Gentlemen:

This Commission is in receipt of the resolution adopted by your Honorable Board on November 16, 1923, as follows:

(Cal. No. 27)

Resolved, That the Board of Estimate and Apportionment hereby *denies* the request of the Transit Commission, under date of September 6, 1923, for an appropriation of eighty-five dollars (\$85) to provide for the cost to the City of New York of installing additional standard enamel station signs at various stations of the rapid transit railroads constructed under Contract No. 3, said sum being one-half of the total estimated cost of this work.

At the meeting of this Commission on December 5, 1923, an opinion was submitted by Counsel dated November 30, 1923 wherein certain findings are made with respect to the legal questions involved in said resolution. The Commission directed that a copy of such opinion be submitted to your Honorable Board with a request for its reconsideration of the action of November 16, 1923. Attention is directed to the suggestion in the opinion that the matter be referred to the Corporation Counsel and his auditors.

A copy of the opinion is transmitted herewith, and your Honorable Board is requested to reconsider your action of November 16, 1923 and to approve the requisition of the Commission upon which it was predicated.

Very truly yours,
FRANK N. ROBINSON,
Acting Secretary.

1692—R. T. 7591

Routes Nos. 70-A-1 and 70-B—Draft Form of Contract for Construction of North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route and Manhattan Avenue, Roebling Street and Bedford Avenue Route—Resolution Directing that Public Hearing Be Held and Notice Be Advertised

The following resolution was adopted:

Whereas, There is now submitted to this Commission by the Chief Engineer and Counsel a draft form of a proposed contract for the construction of the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A-1 and the Manhattan Avenue, Roebling Street and Bedford Avenue Route, Route No. 70-B.

Resolved, That before finally fixing the terms and conditions of said proposed contract for the construction of the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route, Route No. 70-A-1 and the Manhattan Avenue, Roebling Street and Bedford Avenue Route, Route No. 70-B, a public hearing upon the proposed terms and conditions thereof shall be held on the 21st day of December, 1923, at the office of the Transit Commission, at No. 49 Lafayette Street, Borough of Manhattan, New York City, at 11:00 o'clock A. M. at which hearing citizens shall be entitled to appear and be heard and that notice of such hearing shall be published in the City Record every day of publication continuously from and including December 7, 1923 to and including December 21, 1923 and on December 10, 1923 and December 17, 1923 in the Brooklyn Daily Eagle and The Brooklyn Daily Times, daily newspapers published in the City of New York and that such notice shall state that copies of said draft of proposed contract may be obtained at the said office of the Transit Commission on payment of the fee of One Dollar (\$1), for each copy.

1693—R. T. 7681

Contract No. 3—Application by D. C. Serber for Approval of Assignment to D. C. Serber, Inc. of Contract for Construction of Enclosures for Third Addition to Shops at Lenox Avenue and 148th Street Yard—Approval Resolution

An application was presented from D. C. Serber dated November 22, 1923, requesting approval of a proposed assignment to D. C. Serber, Inc. of the contract for the construction of enclosures for the Third Addition to Shops at the Lenox Avenue and 148th Street Yard.

The following resolution was adopted:

Whereas, D. C. Serber, by communication dated November 22, 1923, has requested the approval of this Commission to the assignment by him to D. C. Serber, Inc., of the contract dated October 22, 1923 between the said D. C. Serber and The City of New York, acting by this Commission, for the Construction of Enclosures for the Third Addition to the Shops at Lenox Avenue and 148th Street Yard (under Contract No. 3); and

Whereas, Counsel has examined the proposed agreement and assignment of said contract, the form of consent of the Commission attached thereto, and prepared the proposed consent of the Commission, now submitted for the purpose of effecting the request of the said D. C. Serber, and recommends approval thereof,

Resolved, That the said application be and the same hereby is granted, that the proposed agreement and assignment, and the form of consent of this Commission attached thereto, together with the proposed consent of the Commission, are approved subject to terms and conditions contained therein and the Chairman and Secretary of this Commission be and they hereby are authorized and directed to execute and deliver said consent to such assignment, and also to execute the form of consent attached to such assignment.

Further Resolved, That this consent shall be of no force or effect unless and until there shall be delivered to this Commission a consent in writing to such assignment by the sureties upon the bond deposited as security for the faithful performance of said contract, in a form to be approved by Counsel to the Commission.

1694—R. T. 7664

Route No. 33, Section No. 3—Resolution Approving Sureties upon Bond Deposited by Contractor as Security for Construction of Station Finish at Lawrence Street Station—Adopted

The following resolution was adopted:

Resolved, That the Maryland Casualty Company and Union Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Five thousand dollars (\$5,000) deposited by Station Finish Corporation as security for the construction of station finish for the Lawrence Street Station of the Broadway-Fourth Avenue Rapid Transit Railroad, Route No. 33, Section No. 3, each of said sureties being held and bound in the sum of Two thousand five hundred dollars (\$2,500).

1695—R. T. 7602

Route No. 52, Section No. 2—Resolution Approving Sureties upon Bond Deposited by Contractor as Security for Construction of Column Foundations for Part of Flushing Line—Adopted

The following resolution was adopted:

Resolved, That the National Surety Company and Union Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Ten Thousand dollars (\$10,000) deposited by Gotham Construction Corporation as security for the construction of column foundations on Route No. 52, Section No. 2, Flushing Line, each of said sureties being held and bound in the sum of Five thousand dollars (\$5,000).

1696—R. T. 7645

Agreement "CS"—Resolution Approving Sureties upon Bond Deposited by Contractor as Security for the Construction of a Duct Line at 239th Street Yard—Adopted

The following resolution was adopted:

Resolved, That the National Surety Company and Union Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Two thousand dollars (\$2,000) deposited by Felix Hanratty as security for the faithful performance of the contract for the construction of the railroad duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Route No. 18, Borough of The Bronx, Agreement "CS," each of said sureties being held and bound in the sum of One thousand dollars (\$1,000).

1697—R. T. 7626

Route No. 8—Proposed Agreement With Long Island Railroad Company for Use of Bushwick Avenue Yard—Approval Resolution

The following resolution was adopted:

Whereas, In the construction of the subway portion of the 14th Street-Eastern Line of the Railroad as described in the Contract dated March 19, 1913, known as Contract No. 4, for present operation of said portion, a physical rail connection with the Bushwick Avenue Yard of the Long Island Railroad for the purpose of putting in and taking out cars in said rapid transit railroad; and

Whereas, Counsel has prepared and submitted a proposed agreement between The Long Island Railroad Company, The City of New York, acting by this Commission and the New York Rapid Transit Corporation, providing for a permit to use and occupy a portion of said Bushwick Avenue Yard of the Long Island Railroad for said purpose and recommends the approval of said proposed agreement,

Resolved, That said proposed agreement so submitted be and the same hereby is approved; and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said proposed agreement for and on behalf of this Commission.

1698—R. T. 7596

Agreement "CF"—Report by Chief Engineer Recommending Extension of Time to New York Consolidated Railroad Company Within Which to Complete Contract for Distributing and Installing Covers, Frames and Panels for Low Bench Duct Manholes—Approval Resolution

A report was presented from the Chief Engineer dated December 3, 1923, recommending that an extension of time be granted to the New York Consolidated Railroad Company, to and including August 10, 1923, within which to complete the work under the contract for distributing and installing covers, frames and asbestos lumber panels for low bench duct manholes—Agreement "CF."

The following resolution was adopted:

Whereas, The contract dated November 20, 1922 between The City of New York, acting by the Transit Commission, and New York Consolidated Railroad Company and/or its Receiver (Agreement "CF"), for distributing and installing covers, frames and asbestos lumber panels for low bench duct manholes in the Railroad described in the contract dated March 19, 1913, known as Contract No. 4, required the completion of all work thereunder on or before the expiration of four months after the date of the delivery of said agreement, which agreement was delivered on December 1, 1922, the last date for completion therefor being April 1, 1923; and

Whereas, The Chief Engineer of this Commission, by communication dated December 3, 1923, has reported that the work under said contract was in all respects completed on August 10, 1923; that no loss or damage was sustained by the City on account of the delay, but on the other hand, as the work was performed by the company's own employees it was probably done at less cost than would have been the case had extra men been employed to complete the work within the original contract period, and accordingly recommends that the time within which to complete the work under said contract be extended to and including August 10, 1923,

Resolved, That said report and recommendation be and the same hereby is approved and that the time within which to complete the work under said contract aforesaid be and the same hereby is extended to and including August 10, 1923.

1699—R. T. 6080

Contract No. 3—Application by Lenox Paper Stock Company for Permission to Continue in Occupancy of Premises on Northerly Side of West 145th Street Between Lenox Avenue and Harlem River, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the Lenox Paper Stock Company, dated November 26, 1923, requesting permission to continue in occupancy of the premises on the northerly side of West 145th Street between Lenox Avenue and the Harlem River, Borough of Manhattan, at a rental of \$60 per month beginning November 1, 1923 and to increase the rental to \$75 per month beginning July 1, 1924.

A report was presented from the Real Estate Clerk dated November 30, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Lenox Paper Stock Co., a domestic corporation of the State of New York, having its main office at No. 5 West 145th Street, Borough of Manhattan, City of New York, has made application under date of November 26, 1923, for permission to occupy substantially the same concession rented by it prior to November 1, 1923, from Daly Brothers Company, a tenant of this Commission, on the northerly side of West 145th Street, between Lenox Avenue and the Harlem River, Borough of Manhattan, agreeing to pay \$60.00 per month rent beginning November 1, 1923, and to increase the monthly rental to \$75.00 beginning July 1, 1924, to vacate on thirty (30)

days' notice and to other terms similar to those usually contained in like applications, including absolute restriction against assignment or subletting without the express consent of the Commission, the concession to be used for a general paper stock business; and

Whereas, The Real Estate Clerk, under date of November 30, 1923, has reported upon this application, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application of Lenox Paper Stock Co., and that the Secretary be, and he hereby is, authorized and directed to subscribe its approval on said application.

1700—R. T. 6080

Contract No. 3—Application by William Eyrich & Company for Permission to Continue in Occupancy of the Premises on the Northerly Side of West 145th Street Between Lenox Avenue and Harlem River, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from William Eyrich & Company, dated November 30, 1923, requesting permission to continue in occupancy of the premises on the northerly side of West 145th Street, between Lenox Avenue and Harlem River, Borough of Manhattan, at a rental of \$125.00 per month, beginning November 1, 1923.

A report was presented from Real Estate Clerk dated November 30, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, William Eyrich & Company, a domestic corporation of the State of New York, having its main office at No. 23 West 145th Street, Borough of Manhattan, City of New York, has made application under date of November 30, 1923, for permission to occupy substantially the same concession rented by it prior to November 1, 1923, from Daly Brothers Company, a tenant of this Commission, on the northerly side of West 145th Street, between Lenox Avenue and the Harlem River, Borough of Manhattan, agreeing to pay \$125.00 per month rent beginning November 1, 1923, to vacate on thirty (30) days' notice and to other terms similar to those usually contained in like applications, including absolute restriction against assignment or subletting without the express consent of the Commission, the concession to be used for an automobile repair shop business; and

Whereas, The Real Estate Clerk, under date of November 30, 1923, has reported upon this application, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application of William Eyrich & Company, and that the Secretary be, and he hereby is, authorized and directed to subscribe its approval on said application.

1701—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Installation of Lighting Equipment for Fourteenth Street-Eastern Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated November 23, 1923, requesting approval of a proposed purchasing agent's order directed to Lord Electric Company, for furnishing and installing tunnel lighting equipment for the Fourteenth Street-Eastern Line, at a cost of \$184,007.75.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated December 3, 1923, recommending that the application be approved,

which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Equipment of the Railroad.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4, has submitted for the approval of this Commission a proposed purchasing agent's order dated November 22, 1923, directed to Lord Electric Company for the following:

Furnish and Install Tunnel Lighting Equipment and Lighting, Heating and Toilet Ventilating Systems for Subway Railroad Stations designated Sixth Avenue, Union Square, Third Avenue, First Avenue, Bedford Avenue, Lorimer Street, Graham Avenue and Grand Street, 14th Street—Eastern Line, in accordance with attached specifications and prices named therein.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 388"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated December 3, 1923, have reported for the reasons therein more particularly set forth that the price proposed to be paid to the Lord Electric Company is reasonable for the work to be done; that the work is part of the standard equipment of the Railroad as defined in said Contract No. 4; that the specifications for such work have previously been approved by the Chief Engineer of this Commission and recommend the approval of said proposed purchasing agent's order so submitted; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated December 4, 1923, has recommended that the cost of such work be classified as Equipment of the Railroad as defined in said Contract No. 4,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order.

1702—R. T. 6668

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Circuit Breaker Housings at Lorimer Street and at Myrtle Avenue of Broadway Elevated Line—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated November 15, 1923, requesting approval of a proposed purchasing agent's order directed to John H. Duncan, Inc., covering certain breaker housings at Lorimer Street and at Myrtle Avenue of the Broadway Elevated Line at a total cost of \$4,685.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated November 30, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as a Replacement to be performed under Work Order No. MCR-8 heretofore assigned.

The following resolution was adopted:

Whereas, By resolution adopted October 10, 1922, this Commission approved, pursuant to the provisions of the contract dated March 19, 1913, known as Contract

No. 4, the proposal of Lindley M. Garrison, as Receiver of the New York Municipal Railway Corporation, to provide additional feeder cable and circuit breakers and houses for portions of the Broadway-Fourth Avenue Line of the Railroad and of the Broadway Line of the Existing Railroads as more particularly described in said resolution, said approval being given upon the following condition:

"(b) That the cost of the additional feeder system on the Broadway Line of the Existing Railroads be classified as a Replacement for which payment will be made out of that portion of the moneys of the 'Depreciation Fund for Existing Railroads,' which has been made available by retirements from service and to which project this Commission assigns Work Order No. MCR-8."

; and

Whereas, Pursuant to said Contract No. 4 New York Rapid Transit Corporation, as successor to the rights and obligations thereunder, has, by communication dated November 15, 1923, submitted for the approval of this Commission a proposed purchasing agent's order dated November 14, 1923, directed to John H. Duncan, Inc., for the following:

"Furnish and install One Circuit Breaker Housing at Lorimer St. and One Circuit Breaker Housing at Myrtle Avenue, Broadway Elevated Line, in accordance with attached specifications dated Sept. 10, 1923, except that all electrical installation is to be omitted, excepting the setting of porcelain tubes which will be furnished by the Company.

Payment to be as follows:

Housing at Lorimer Street.....	\$2,285.00
Housing at Myrtle Avenue.....	2,400.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 387"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated November 30, 1923, have reported that the following bids were received for such work:

	Lorimer St.	Myrtle Ave.
John H. Duncan, Inc.....	\$2,285.00	\$2,400.00
Rufus H. Brown.....	3,230.00	3,488.00
B. T. and J. J. Mack, Inc.....	6,300.00	6,500.00
Seymour Construction Co.....	6,800.00	7,200.00
Wagner Engineering Co.....	7,000.00	8,000.00

; that the award is to the lowest bidder which is a reputable firm; that the prices are the best obtainable; that the provision of these housings as already been authorized by the resolution of this Commission adopted October 10, 1922, and recommend the approval of the said proposed purchasing agent's order so submitted; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated December 3, 1923, has recommended that the cost of performing such work be classified as a Replacement under said Work Order No. MCR-8 assigned as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such work to be charged under and in accordance with Work Order No. MCR-8 heretofore assigned by this Commission.

1703—R. T. 6449

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Contract for Purchase of Premises Abutting on West End Line South of Avenue "Z", Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated November 21, 1923, requesting approval of a proposed contract for the purchase from Georgianna Powell, et al, of certain premises abutting on the West

End Line right-of-way, south of Avenue "Z," Borough of Brooklyn, known as part of West Meadow Bank Lot No. 33, for the sum of \$3,500.

A report was presented from the Real Estate Clerk dated December 3, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, J. H. Bennington, Real Estate & Tax Agent for New York Rapid Transit Corporation, under date of November 21, 1923, has requested approval, pursuant to the provisions of Contract No. 4, of a contract between Georgianna Powell, et al, Vendors, and New York Rapid Transit Corporation, Vendee, covering the acquisition for the sum of \$3,500 of certain premises abutting on the West End Line right of way of the Nassau Electric Railroad Company, known generally as part of West Meadow Bank Lot No. 33, upon certain terms as set forth more fully in said contract; and

Whereas, The Real Estate Clerk, under date of December 3, 1923, has reported that this property was taken by condemnation, after failure of negotiations to purchase, for the purposes of a railroad yard, and that the proposed purchase is in the nature of a settlement of pending condemnation proceedings and that the proposed purchase price is reasonable, recommending that the said application be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application and the said contract, and that the Secretary be, and he hereby is, authorized and directed to transmit to the said J. H. Bennington a copy of this resolution.

1704—Cases 1264, 1380

The Long Island Railroad Company—Alteration of Grade Crossings at Hempstead and Jamaica Turnpike, etc., Borough of Queens—Hearing Order Adopted for Second Intermediate Accounting

The Secretary presented a communication, dated October 3, 1923, from L. V. Morris, Chief Engineer, The Long Island Railroad Company, submitting statements of cost to August 31, 1923, of the eliminations directed by the Order in Cases Nos. 1264 and 1380, in the Borough of Queens.

The Secretary also presented a report, dated November 30, 1923, by C. L. Slipper, Assistant Engineer, approved by W. L. Selmer, Acting Chief, Bureau of Railroad Inspection, recommending hearing on second intermediate accounting.

Thereupon the Commission adopted and ordered filed an Order in Cases Nos. 1264 and 1380, in the following form:

Present:

GEORGE McANENY, }
 Chairman, } Commissioners.
 LEROY T. HARKNESS, }

IN THE MATTER
 of the

Hearing on the motion of the COMMISSION on the question of alterations and changes in the following grade crossing with the tracks of THE LONG ISLAND RAILROAD COMPANY:

Hempstead and Jamaica Turnpike.

CASE No. 1264.

RESOLUTION FOR HEARING
 ON SECOND PARTIAL
 ACCOUNTING.

IN THE MATTER
 of the

Hearing on motion of the COMMISSION on the question of alterations and changes in the following grade crossings with the tracks of THE LONG ISLAND RAILROAD COMPANY:

Bennett or Baylis Avenue
 Wertland Avenue,
 Creed Avenue,
 Madison Avenue.

CASE No. 1380.

Whereas, On December 8, 1911, the Public Service Commission for the First District adopted an order and determination in this proceeding as to the changes in the grade crossings above named; and

Whereas, On December 7, 1922, the Transit Commission adopted an Order modifying the Order of December 8, 1911, with respect to said changes; and

Whereas, The Long Island Railroad Company, through L. V. Morris, Chief Engineer, by communication, dated October 3, 1923, has requested a hearing for a second partial accounting in order to determine the amount of a payment which may be made on account of the work done in accordance with the terms of said Order and determination modified as aforesaid, now therefore, it is

Resolved, That a hearing be had before the Commission at its hearing room, No. 49 Lafayette Street, Borough of Manhattan, City of New York, on the 18th day of December, 1923, at 10:30 o'clock in the forenoon, at which hearing The Long Island Railroad Company and The City of New York shall submit accounts and give testimony showing the amounts expended by each with interest.

Further Resolved and Certified, That Carleton S. Cooke, Assistant Counsel to the Commission be and he hereby is pursuant to Sections 8 and 11 of the Public Service Commission Law, authorized and designated to conduct said hearing, to take the testimony therein and report same to the Commission together with his opinion thereon for its decision and determination.

Further Resolved. That a notice of this hearing be given to The Long Island Railroad Company and The City of New York by service upon each of them of a certified copy of this resolution.

By the COMMISSION,
 FRANK N. ROBINSON,
 Acting Secretary.

1705—Case 1399**Richmond Light & Railroad Company—Quarterly Reports—Extension Order Adopted**

The Secretary presented a communication, dated November 30, 1923, from the Richmond Light & Railroad Company, requesting an extension of time of two weeks, within which to file quarterly report for the quarter ended September 30, 1923.

The Secretary also presented a report, dated December 3, 1923, by H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting and Valuations, recommending an extension of time to December 6, 1923.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1399, granting the Richmond Light & Railroad Company an extension of time to December 6, 1923, within which to file said quarterly report.

1706—Case 1399**New York Rapid Transit Corporation et al—Quarterly Reports—Application for Extension of Time—Letter to Companies Authorized Requesting Report on Present Status of Books**

The Secretary presented a communication, dated November 30, 1923, from M. B. Hoffman, Assistant Counsel, New York Rapid Transit Corporation and for Lindley M. Garrison, Receiver, New York Consolidated Railroad Company and New York Municipal Railway Corporation, requesting an extension of time to January 1, 1924, within which to file quarterly reports for the quarter ended June 30, 1923.

The Secretary also presented a report, dated December 3, 1923, by H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting and Valuations, recommending letter to companies requesting report on present status of books and records.

Thereupon the Secretary was authorized to transmit a letter to the companies requesting the desired information.

1707—Case 2690**New York Rapid Transit Corporation et al—Annual Reports—Application for Extension of Time—Letter to Companies Authorized Requesting Report on Present Status of Books**

The Secretary presented a communication, dated November 30, 1923, from M. B. Hoffman, Assistant Counsel, New York Rapid Transit Corporation and for Lindley M. Garrison, as Receiver, New York Consolidated Railroad Company and New York Municipal Railway Corporation, requesting an extension of time to January 1, 1924, within which to file annual reports for the year ended June 30, 1923.

The Secretary also presented a report, dated December 3, 1923, by H. S. Fischer, Statistician, approved by Chief, Bureau of Accounting & Valuations, recommending letters to companies requesting report on present status of books and records.

Thereupon the Secretary was authorized to transmit a letter to the companies requesting the desired information.

1708—Case 2082

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which 195th Street, in Borough of Queens, Shall Cross Company's Tracks—Report and Opinion Approved—Amended Order and Determination Adopted

The Secretary presented a Report and Opinion in Case No. 2082, by George L. Lucas, Acting Chief Executive Officer, recommending the adoption of an amended Order therein requiring The Long Island Railroad Company, to submit new location plan for approval within thirty days and requiring the elimination of the 195th Street crossing in accordance with said plan.

Thereupon the above mentioned Report and Opinion in Case No. 2082, was approved and an Order therein adopted and ordered filed in the following form:

Present:

GEORGE McANENY, Chairman,	} Commissioners.
LEROY T. HARKNESS,	

IN THE MATTER
of the

Application of THE CITY OF NEW YORK for a determination as to the manner in which the following street shall be extended across the tracks of THE LONG ISLAND RAILROAD COMPANY in the Fourth Ward of the Borough of Queens; 195th Street (Catskill Avenue) from Atlantic Avenue (99th Avenue) to Sagamore Avenue (98th Avenue).

CASE No. 2082.
AMENDED ORDER AND
DETERMINATION.

The Public Service Commission of the State of New York for the First District having on the 9th day of June, 1916, made an order and determination as to the manner of carrying 195th Street (Catskill Avenue) from Atlantic Avenue (99th Avenue) to Sagamore Avenue (98th Avenue) across the tracks of the Long Island Railroad Company in the Fourth Ward of the Borough of Queens, and the Public Service Commission having on the 29th day of June, 1916, by resolution approved blueprints of drawing entitled "Long Island Railroad. Hollis Elimination. 195th Street Bridge. Plan and Details of Steel Bridge No. 120, June 21, 1916. Drawing No. 1," and having by the same resolution approved the bid for the fabrication and delivery of the structural steel for said bridge; and the Long Island Railroad Company having filed plans and specifications for the said elimination and the same having been qualifiedly approved by resolution of the Public Service Commission adopted December 27, 1917;

And the Commission having by order dated November 7, 1923, reopened the case and ordered a further hearing herein and George L. Lucas, Acting Chief Executive Officer of the Commission, having been designated and certified in said order to hold said hearing, and a hearing having been held on the 26th day of November, 1923, and said George L. Lucas having made his report dated December 3, 1923, and the said report having been approved and adopted by the Commission, it is hereby

Ordered, That pursuant to Section 90 of the Railroad Law, the Long Island Railroad Company be and it is hereby directed to carry 195th Street (Catskill Avenue) in the Fourth Ward of the Borough of Queens, across the tracks of the Long Island Railroad Company under the tracks of said railroad company substantially as shown upon the maps or plans heretofore submitted to and approved by the Public Service Commission in and by its orders and resolutions aforesaid, the said under-crossing and approaches to be constructed by the railroad company.

Further Ordered, That the railroad company within 30 days after service of this order upon it, submit to the Commission its new location plan showing the said undercrossing and approaches to be constructed by said railroad company, for approval.

Further Ordered, That in case such work is to be done by contract, the proposals of contractors shall be submitted to this Commission for its approval.

Further Ordered, That the Long Island Railroad Company shall notify the Commission within 5 days after the receipt of a certified copy of this order whether the terms thereof are accepted and will be obeyed.

By the COMMISSION,
FRANK N. ROBINSON,
Acting Secretary.

1709

The Staten Island Rapid Transit Railway Company—New Tariff Effective January 1, 1924, Eliminating Rates Covering Fifty Trip Family Tickets Between New York and Grasmere to Tottenville—Report by Chief of Tariff Bureau—Letter to Commissioner, Department of Plant and Structures—Referred to Chairman

The Secretary presented a report, dated November 30, 1923, by E. D. Hutchinson, Chief of Tariff Bureau, with respect to the new tariff, dated November 30, 1923, effective January 1, 1924, filed by The Staten Island Rapid Transit Railway Company, eliminating rates covering fifty trip family tickets between New York and Grasmere to Tottenville, and advising that on inquiry, the company proposed to discontinue sale of fifty trip family tickets on recommendation of the Commissioner of the Department of Plant and Structures.

The Secretary also presented a copy of a communication, which he had transmitted to said Commissioner advising that the tariff would take effect January 1, 1924, unless withdrawn.

Thereupon the above mentioned papers were referred to the Chairman.

1710

The Long Island Railroad Company—New Tariff Showing Changes in Rates for Special Club Cars—Report by Chief of Tariff Bureau Filed

The Secretary presented a report, dated November 28, 1923, by E. D. Hutchinson, Chief of Tariff Bureau, with respect to new tariff effective January 1, 1924, filed by The Long Island Railroad Company showing increase rate for Special Club Cars, and advising that increase was agreeable to association renting only car used for the purpose in the City of New York, between Pennsylvania Station and Far Rockaway, and recommending that tariff be filed.

Thereupon the above mentioned papers were ordered filed.

1711

Operation of Local Service Over Williamsburg Bridge by Department of Plant and Structures—Reports by Chief of Transit Bureau—Correspondence with Commissioner, Department of Plant and Structures and with Police Commissioner—Filed

The Secretary presented a communication, dated November 26, 1923, from Grover A. Whalen, Commissioner, Department of Plant and Structures, relative to

the proposed discontinuance of operation of through service across the Williamsburg Bridge on December 1, 1923, at which time the City of New York would begin the operation over said bridge of local service together with a copy of the reply, dated November 27, 1923, by the Chairman to the foregoing communication, advising among other things that the Commission is without power to compel a corporation to give, or to continue to give, a service where there is no legal obligation on the part of the corporation so to do.

The Secretary also presented a copy of his communication, dated November 28, 1923, to the Police Commissioner calling attention to the proposed discontinuance of service by the railroad companies and the proposed new operation by the City, so that if he deemed it advisable, proper police arrangements might be made to meet any confusion or other emergency that might attend the operation of the respective lines on and after December 1, 1923, together with a communication, dated November 30, 1923, from C. J. Young, Secretary to the Police Commissioner, advising that the matter would receive the proper attention of the Police Department.

The Secretary also presented reports, dated September 22, 1923 and December 1, 1923, by the Chief of Transit Bureau, relative to the new local service over Williamsburg Bridge.

Thereupon the above mentioned papers were ordered filed.

1712—R. T. 7602

Route No. 52, Section No. 2—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract for Construction of Column Foundations for Part of Flushing Line, and Authorizing Appropriation of \$149,830—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 23, 1923, was ordered filed:

(Cal. No. 62)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 7, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with the Gotham Construction Corporation for the construction of column foundations for part of the Flushing line, Route No. 52, Section No. 2, at an estimated cost of one hundred and forty-nine thousand eight hundred and thirty dollars (\$149,830) without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be one hundred and forty-nine thousand eight hundred and thirty dollars (\$149,830); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891 as amended, the provisions of section 45 of the Greater New York Charter and the requisition of the Transit Commission, dated November 7, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one hundred and forty-nine thousand eight hundred and thirty dollars (\$149,830), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Ap-

portionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated November 28, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract approved as to form, was also ordered filed.

1713—R. T. 6616

Contract No. 2—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$600,000 for Payment of Claims of Rapid Transit Subway Construction Company for Subsections Nos. 2-A and 3—Filed

The following certified copy of resolution adopted by the Board of Estimate and Apportionment on November 23, 1923, was ordered filed:

(Cal. No. 53)

Whereas, In the matter of certain claims of the Rapid Transit Subway Construction Company (Claims A and B, Subsection 2-A, and Claim C, Subsection 2-A and Subsection 3) in connection with the contract dated July 21, 1902, between The City of New York and said Rapid Transit Subway Construction Company for the construction, equipment, maintenance and operation of the Brooklyn-Manhattan Rapid Transit Railroad, known as Contract No. 2, the Chief Engineer of the Transit Commission has rendered a determination wherein he finds that the reasonable value of the additional work performed and additional materials furnished is in the aggregate sum of six hundred thousand dollars (\$600,000); and

Whereas, A stipulation has been entered into between the said Rapid Transit Subway Construction Company and the Transit Commission accepting said determination without appeal and the said Rapid Transit Subway Construction Company agreeing to waive all other claims comprised in said A, B and C claims, upon condition that the said determined sum of six hundred thousand dollars (\$600,000) is paid without recourse to legal proceedings; therefore be it

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated April 18, 1923, the Board of Estimate and Apportionment does hereby consent to an appropriation of six hundred thousand dollars (\$600,000) for the purpose of paying the said determined amounts due the Rapid Transit Subway Construction Company for additional work and additional materials furnished and supplied in the performance of extra work on said Sections 2-A and 3, under Contract No. 2 without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to proceeds of corporate stock available for said purpose shall be six hundred thousand dollars (\$600,000); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891 as amended, the provisions of section 45 of the Greater New York Charter and the requisition of the Transit Commission, dated April 18, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding six hundred thousand dollars (\$600,000) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes aforesaid; said issue of corporate stock to be in addition to all appropriations heretofore made for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 2.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1714

Street Changes—Certified Copies of Resolutions of Board of Estimate and Apportionment Authorizing Removal of Encroachments in West 27th Street from Fifth Avenue to Sixth Avenue and in 31st Street from Broadway to Fourth Avenue, Borough of Manhattan—Filed

The following certified copies of resolutions adopted by the Board of Estimate and Apportionment on November 23, 1923, were ordered filed:

(Cal. No. 88-A)

Resolved, By the Board of Estimate and Apportionment, that the widths of the roadway and sidewalks on West 27th street from the west curb line of 5th avenue to the east curb line of 6th avenue, Borough of Manhattan, be established as follows:

The roadway shall be centrally located and shall have a width of thirty-four (34) feet.

The width of the sidewalks on each side of the roadway shall be thirteen (13) feet; and be it further

Resolved, That all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license, or which purport to permit or license, encroachments of any nature which interfere with the proper support of the roadway, curb and necessary and proper subsurface structures be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 88-B)

Whereas, The entire width of West 27th street between 5th avenue and 6th avenue, Borough of Manhattan, is required for public purposes; be it

Resolved, By the Board of Estimate and Apportionment, that all ordinances, permits or licenses heretofore adopted or granted by The City of New York or by any body or officer thereof which permit or license, or which purport to permit or license, encroachments of any nature which project beyond the building line of West 27th street between 5th avenue and 6th avenue, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 89-A)

Resolved, By the Board of Estimate and Apportionment, that the widths of the roadway and sidewalks on 31st street from the east curb line of Broadway to the west curb line of 4th avenue, Borough of Manhattan, be established as follows:

The roadway shall be centrally located and shall have a width of thirty-four (34) feet.

The width of the sidewalks on each side of the roadway shall be thirteen (13) feet; and be it further

Resolved, That all ordinances, permits or licenses heretofore adopted or granted by The City of New York, or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which interfere

with the proper support of the roadway, curb, and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments in accordance with the foregoing resolution.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 89-B)

Whereas, The entire width of 31st street between Broadway and 4th avenue, Borough of Manhattan, is required for public purposes, be it

Resolved, By the Board of Estimate and Apportionment, that all ordinances, permits or licenses heretofore adopted or granted by The City of New York or by any body or officer thereof, which permit or license, or which purport to permit or license encroachments of any nature which project beyond the building line of 31st street between Broadway and 4th avenue, Borough of Manhattan, between levels 10 feet above the curb grade and a sufficient depth below said curb to provide for the proper support of the roadway, sidewalk and necessary and proper subsurface structures, be and they hereby are repealed; and be it further

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to remove or cause to be removed all said encroachments or encumbrances in accordance with the foregoing resolution; except in cases, if any, where existing statutes require the maintenance or continuance of fire escapes in their present positions.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 23, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1715—R. T. 7695

Agreement "CQ"—Notice by Chief Engineer of Commencement of Work for Construction of Station Finish at Queensboro Plaza Station—Filed

The Commission ordered filed, a notice from the Chief Engineer dated December 1, 1923, advising of the commencement of work by Patten & Wilson, on November 28, 1923, for the construction of Station Finish, at the Queensboro Plaza Station—Agreement "CQ."

1716—R. T. 7479

Route No. 5, Section No. 15—Receipt From Department of Finance for Check in Sum of \$426.41 as Interest on Property Purchased Between Walton and Gerard Avenues North of East 148th Street, Borough of The Bronx—Filed

The following receipt was ordered filed:

November 28, 1923.

CHARLES L. CRAIG,
Comptroller.

THE CITY OF NEW YORK—DEPARTMENT OF FINANCE
Bureau of Accountancy
Division of Receipts

Received from TRANSIT COMMISSION check for Four hundred twenty six 41/100 Dollars (\$426.41).

Particulars:

Six months interest due November 7, 1923, on purchase money mortgage held by The City of New York on property located between Walton and Gerard Avenues, 105 feet north of East 148th Street, Borough of The Bronx, which property was acquired in the construction, maintenance and operation of the LEXINGTON AVENUE LINE and was sold to John A. McCarthy.

(Principal sum of said mortgage, \$17,000, subject to interest at 5% per annum payable semi-annually on May 7th and November 7th).....	\$425.00
Interest on delayed payment November 7th to November 27, 1923.....	1.41
	\$426.41

To be credited to Suspense Account—Code S 109 C—Real Estate Sales and Rentals of the Transit Commission.

For Comptroller,
H. H. RATHYEN,
Auditor of Receipts.

1717

Tests—Resolution Authorizing William H. Freeman, Railway Engineer, to Attend Tests of Operation of New Design of Electric Locomotive to be Conducted by General Electric Company—Adopted

The following resolution was adopted:

Whereas, This Commission is informed that on December 5th and 6th, 1923, at Erie, Pennsylvania, the General Electric Company will conduct a series of tests of the operation of a new design of an electric locomotive; and

Whereas, The Commission is advised that during said tests valuable information may be obtained and changes developed which may be applied to the improvement of subway rolling stock of the Rapid Transit lines of the City of New York, subject to the jurisdiction of this Commission.

Resolved, That the Transit Commission do and hereby does authorize and direct the following member of its staff—William H. Freeman, Railway Engineer, to attend said tests for the purpose above indicated and in performance of necessary duties of the Commission.

1718

Employees' Calendar No. 178

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments under Rule VIII: 4—Joseph Barnett, draftsman, at \$175.08 per month, to take effect November 30, 1923; John M. Baxter, junior assistant, \$125.08 per month, to take effect November 27, 1923; Joseph H. Corr, junior assistant, at \$125.08 per month, to take effect December 3, 1923; Edward Fritz, Jr., draftsman, at \$175.08 per month, to take effect December 3, 1923; Albert W. Preston, Jr., junior assistant, at \$125.08 per month, to take effect December 3, 1923; William Ulanoff, draftsman, at \$175.08 per month, to take effect November 30, 1923

Appointments under Rule VIII: 9—Morris Bass, draftsman, at \$175.08 per month, to take effect December 13, 1923; G. William Berg, junior assistant, at \$125.08 per month, to take effect December 20, 1923; Gustav M. Blom, junior assistant, at \$125.08 per month, to take effect December 20, 1923; Arnold Brauer, draftsman, at \$175.08 per month, to take effect December 17, 1923; Sidney R. Brown, draftsman, at \$175.08 per month, to take effect December 24, 1923; James P. Carmody, inspector of steel, at \$175.00 per month, to take effect December 27, 1923; Sylvester Catalanotto, junior assistant, at \$125.08 per month, to take effect December 22, 1923; J. Paul Conway, junior assistant, at \$125.08 per month, to take effect December 16, 1923; Juan A. Delgado, draftsman, at \$175.08 per month, to take effect December 20, 1923; Charles E. Downey, architectural draftsman, at \$175.08 per month, to take effect December 22, 1923; William S. Fanning, architectural draftsman, at \$175.08 per month, to take effect December 29, 1923; Samuel Freeman, junior assistant, at \$125.08 per month, to take effect December 20, 1923; William Fierstein, draftsman, at \$175.08 per month, to take effect December 27, 1923; Samuel N. Gerson, draftsman, at \$175.08 per month, to take effect December 20, 1923; Joseph C. Gotzen, junior assistant, at \$125.08 per month, to take effect December 20, 1923; Victor H. Greenwald, architectural draftsman, at \$175.08 per month, to take effect December 20, 1923; Paul Haan, architectural draftsman, at \$175.08 per month, to take effect December 7, 1923; William F. Johnson, draftsman, at \$175.08 per month, to take effect December 28, 1923; Alfred B.

Kasten, junior assistant, at \$125.08 per month, to take effect December 20, 1923; Walter R. Many, draftsman, at \$175.08 per month, to take effect December 20, 1923; Edward V. Maitland, junior assistant, at \$125.08 per month, to take effect December 22, 1923; Dominick C. Martocci, junior assistant, at \$125.08 per month, to take effect December 17, 1923; Walter A. Murphy, junior assistant, at \$125.08 per month, to take effect December 20, 1923; Edwin A. O'Hanlon, architectural draftsman, at \$175.08 per month, to take effect December 20, 1923; John F. O'Heir, Jr., engineering inspector, at \$150.08 per month, to take effect December 9, 1923; William A. O'Leary, draftsman, at \$175.08 per month, to take effect December 20, 1923; William V. Power, junior assistant, at \$125.08 per month, to take effect December 20, 1923; Henry Reich, junior assistant, at \$125.08 per month, to take effect December 16, 1923; James E. Sampson, draftsman, at \$175.08 per month, to take effect December 21, 1923; Vincent Schiliro, draftsman, at \$175.08 per month, to take effect December 20, 1923; Walter E. Speck, junior assistant, at \$125.08 per month, to take effect December 14, 1923; Samuel Steinfeld, draftsman, at \$175.08 per month, to take effect December 21, 1923; Setrag A. Sulahian, junior assistant, at \$125.08 per month, to take effect December 22, 1923; John A. Teufer, Sr., junior assistant, at \$125.08 per month, to take effect December 20, 1923; Claude M. Twombly, architectural draftsman, at \$175.08 per month, to take effect December 20, 1923; Herbert B. Walters, junior assistant, at \$125.08 per month, to take effect December 17, 1923; Francis J. Weber, draftsman, at \$175.08 per month, to take effect December 7, 1923; Hyman Zasky, junior assistant, at \$125.08 per month, to take effect December 14, 1923.

Terminations of Appointments under Rule VIII: 4—Morris Bass, draftsman, at \$175.08 per month, to take effect December 12, 1923; G. William Berg, junior assistant, at \$125.08 per month, to take effect December 19, 1923; Gustav M. Blom, junior assistant, at \$125.08 per month, to take effect December 19, 1923; Arnold Brauer, draftsman, at \$175.08 per month, to take effect December 16, 1923; Sidney R. Brown, draftsman, at \$175.08 per month, to take effect December 23, 1923; James P. Carmody, inspector of steel, at \$175.00 per month, to take effect December 26, 1923; Sylvster Catalanotto, junior assistant, at \$125.08 per month, to take effect December 21, 1923; J. Paul Conway, junior assistant, at \$125.08 per month, to take effect December 15, 1923; Juan A. Delgado, draftsman, at \$175.08 per month, to take effect December 19, 1923; Charles E. Downey, architectural draftsman, at \$175.08 per month, to take effect December 21, 1923; William S. Fanning, architectural draftsman, at \$175.08 per month, to take effect December 28, 1923; Samuel Freeman, junior assistant, at \$125.08 per month, to take effect December 19, 1923; William Fierstein, draftsman, at \$175.08 per month, to take effect December 26, 1923; Samuel N. Gerson, draftsman, at \$175.08 per month, to take effect December 19, 1923; Joseph C. Gotzen, junior assistant, at \$125.08 per month, to take effect December 19, 1923; Victor H. Greehwald, architectural draftsman, at \$175.08 per month, to take effect December 19, 1923; Paul Haan, architectural draftsman, at \$175.08 per month, to take effect December 6, 1923; William F. Johnson, draftsman, at \$175.08 per month, to take effect December 27, 1923; Alfred B. Kasten, junior assistant, at \$125.08 per month, to take effect December 19, 1923; Walter R. Many, draftsman, at \$175.08 per month, to take effect December 19, 1923; Edward V. Maitland, junior assistant, at \$125.08 per month, to take effect December 21, 1923; Dominick C. Martocci, junior assistant, at \$125.08 per month, to take effect December 16, 1923; Walter A. Murphy, junior assistant, at \$125.08 per month, to take effect December 19, 1923; Edwin A. O'Hanlon, architectural draftsman, at \$175.08 per month, to take effect December 19, 1923; John F. O'Heir, Jr., engineering inspector, at \$150.08 per month, to take effect December 8, 1923; William A. O'Leary, draftsman, at \$175.08 per month, to take effect December 19, 1923; William V. Power, junior assistant, at \$125.08 per month, to take effect December 19, 1923; Henry Reich, junior assistant, at \$125.08 per month, to take effect December 15, 1923; James E. Sampson, draftsman, at \$175.08 per month, to take effect December 20, 1923; Vincent Schiliro, draftsman, at \$175.08 per month, to take effect December 19, 1923; Walter E. Speck, junior assistant, at \$125.08 per month, to take effect December 13, 1923; Samuel Steinfeld, draftsman, at \$175.08 per month, to take effect December 20, 1923; Setrag A. Sulahian, junior assistant, at \$125.08 per month, to take effect December 21, 1923; John A. Teufer, Sr., junior assistant, at \$125.08 per month, to take effect December 19, 1923; Claude M. Twombly, architectural draftsman, at \$175.08 per month, to take effect December 19, 1923; Herbert B. Walters, junior assistant, at \$125.08 per month, to take effect December 16, 1923; Francis J. Weber,

draftsman, at \$175.08 per month, to take effect December 6, 1923; Hyman Zasky, junior assistant, at \$125.08 per month, to take effect December 13, 1923.

Resignation: Sigmund S. Jax, junior assistant, at \$125.08 per month, to take effect November 28, 1923.

Change of Item in Resolution of July 10, 1923, Concerning Elmer R. Hauck so as to Read as Follows: (Resignation)—Elmer R. Hauck, engineering inspector, at \$150.08 per month, to take effect July 15, 1923.

Leaves of Absence with Pay—Richard H. Burton, engineer accountant, from November 5, 1923, to November 16, 1923; Julia N. Mollahan, clerk, from December 1, 1923, to February 29, 1924; David Reichmuller, junior assistant, from November 5, 1923, to November 17, 1923.

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Voucher Schedule No. 50

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of The State of New York, as the vouchers may direct:

Vouchers Nos. 1054-1115, open market orders, \$2,739.30; Vouchers Nos. 600; 608; 612-618, miscellaneous bills, \$4,699.78; Vouchers Nos. 207-216, City payrolls, \$95,369.45; Voucher No. CM-23, State payrolls, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 316; Jacob Schlesinger, Inc.; supplementary approximate estimate No. 1-A for making changes in subway structure necessitated by the widening of 60th Street between Second and Fifth Avenue, Borough of Manhattan, from June 4, 1923 to October 31, 1923 (R. T. 7639) \$481.42;

Voucher No. 317; New York Rapid Transit Corporation; approximate estimate No. 8 for the lengthening of platforms at the Canal Street station of the Centre Street Loop of the Broadway-Fourth Avenue Rapid Transit Railroad, from October 1, 1923 to October 31, 1923 (R. T. 7431) \$2,690.40;

Voucher No. 318; Rosenthal Engineering Contracting Company, Inc.; approximate estimate No. 9 for the construction of foundations for third addition to shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from October 21, 1923 to November 20, 1923 (R. T. 7589) \$16,190.26;

Voucher No. 319; Rapid Transit Subway Construction Company; Requisition No. 1 for additional work principal Contract No. 2, Brooklyn-Manhattan Rapid Transit Railroad, as per determination of the Chief Engineer of the Transit Commission dated March 27, 1923 (R. T. 6616) \$240,000.00;

Voucher No. 320; Rapid Transit Subway Construction Company; Requisition No. 2, subsection No. 2-A for additional work principal Contract No. 2, Brooklyn-Manhattan Rapid Transit Railroad, as per determination of Chief Engineer of the Transit Commission dated April 11, 1923 (R. T. 6616) \$60,000.00;

Voucher No. 321; Rapid Transit Subway Construction Company; Requisition No. 1, subsection No. 3 for additional work principal Contract No. 2, Brooklyn-Manhattan Rapid Transit Railroad as per determination of the Chief Engineer of Transit Commission, dated April 11, 1923 (R. T. 6616) \$300,000.00;

Voucher No. 322; Station Finish Corporation, Assignee; approximate estimate No. 16, for the construction of station finish on Sections Nos. 3, 4 and 5 of Route No. 8, from November 1, 1923 to November 30, 1923 (R. T. 7516) \$7,588.69;

Voucher No. 323; T. H. Reynolds Contracting Co., Inc.; approximate estimate No. 11 for the installation of tracks, Sections 1 to 5 inclusive, Route No. 8, from October 1, 1923 to November 23, 1923 (R. T. 7536) \$8,560.64;

Voucher No. 324; Fox, Reynolds Company, Inc.; approximate estimate No. 6 for the excavation and the construction of a retaining wall at the Lenox Avenue Yard, from November 1, 1923 to November 30, 1923 (R. T. 7642) \$7,619.62;

Voucher No. 325; Degnon Contracting Company, or Parker & Aaron, Attorneys; For additional interest in full payment of the judgment in the action of Degnon Contracting Company vs. The City of New York, entered in the office of the Clerk of the County of New York on May 7, 1923, in connection with the contract for the construction of Sections Nos. 1 and 2 of Route No. 11-B (R. T. 6326, 6327) \$7,606.79;
 Voucher No. 326; Rosenthal Engineering Contracting Co., Inc.; approximate estimate No. 15, for the construction of inspection shed enclosure for Route No. 18, 180th Street Yard, of the White Plains Road Line, from November 1, 1923 to November 30, 1923 (R. T. 7457) \$4,790.94.

1720

Upon motion duly seconded and adopted the meeting was adjourned to Thursday, December 6, 1923.

FRANK N. ROBINSON,
 Acting Secretary.

Proceedings for Thursday, December 6, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner, Frank N. Robinson, Acting Secretary.

The following matters were presented and action taken as noted:

1721—Case 2704

Manhattan Railway Company and Interborough Rapid Transit Company—Application for Certificate of Convenience and Necessity Relative to Elevated Structure and Facilities in Vicinity of 42nd Street Elevated Station on Third Avenue Elevated Line—Report and Opinion Approved—Order Authorizing Two Certificates of Convenience and Necessity Adopted—Certificates Executed

The Secretary presented a Report and Opinion in Case No. 2704, by George L. Lucas, Acting Chief Executive Officer, reading as follows:

STATE OF NEW YORK
 TRANSIT COMMISSION

IN THE MATTER
 of the

Application of the MANHATTAN RAILWAY COMPANY for a determination, pursuant to Chapter 635 of the Laws of 1923, of railway facilities and structures necessary for the public convenience in the vicinity of its elevated railway station at Third Avenue and 42nd Street.

REPORT AND OPINION.
 CASE NO. 2704.

To the TRANSIT COMMISSION:

I, GEORGE L. LUCAS, Acting Chief Executive Officer, designated and certified to conduct a hearing herein by order of the Commission, dated November 20, 1923, do hereby report as follows:

I have taken the testimony and evidence produced at the hearings in this proceeding and the same is hereby submitted.

This is an application of Manhattan Railway Company under Chapter 635 of the Laws of 1923 amending Chapter 788 of the Laws of 1917, as amended by Chapter 611 of the Laws of 1919, entitled "An Act to provide for the removal of the railroad structures of the Manhattan Railway Company on Forty-second Street in the City of New York", Section 1-a of which in part provides as follows:

"* * * but nothing in this act contained shall be deemed to extinguish or impair any existing franchise rights of the Manhattan Railway Company to construct and maintain a circuit breaker and such facilities including stairways in connection with and immediately adjacent to its Third Avenue station at Forty-second street as the transit commission may determine to be necessary for the public convenience and necessity."

The prayer of the petition requested this Commission to determine that public convenience and necessity require the retention, rearrangement and enjoyment of certain existing facilities at Forty-second Street and Third Avenue and the construction of additional facilities; that the certification of the Public Service Commission for the First District pursuant to Chapter 788 of the Laws of 1917, as amended by Chapter 611 of the Laws of 1919, that public necessity and convenience did not require the continued maintenance and operation of the so-called Forty-second Street spur was without prejudice to the right of the Manhattan Railway Company to construct, maintain or operate the same or the right or obligation of the said company to restore the spur, if in the future, it should be deemed necessary for the public service; and also that the Commission determine that it was necessary that the Manhattan Railway Company perform the work of physically removing the spur.

At the opening of the petitioner's case Counsel to the Commission maintained that under Chapter 635 of the Laws of 1923 the Commission was confined to a determination as to the necessity and convenience of retaining facilities or structures of the existing Forty-second Street spur as were within the area of condemnation, described by metes and bounds in the law under which the petition is made, together with such structures outside of the area of condemnation as were physically inseparable from those to be retained within such area; that section 1 of the law under consideration was permissive in character and provided for the making of an agreement between the owner of the Forty-second Street spur and the City of New York as to its removal under which as part of the negotiations it might have been agreed that the Manhattan Railway Company retain its franchises to re-erect the spur in the future but that upon the enactment of Section 1-a and the fixation of a date for the reaching of such an agreement under Section 1 the Commission became functus officio under Section 1 and the mandatory provisions of Section 1-a immediately became applicable upon said date having past and no agreement having been reached. Counsel to the Commission also contended that the Commission could make no finding as to who would physically remove the structure since upon the vesting of title to the spur in the City of New York jurisdiction over the property would be in the Commissioner of the Sinking Fund of The City of New York. After some discussion the attorney for the petitioner orally amended its petition so as to make application for a certificate of convenience and necessity under Section 53 of the Public Service Commission Law for the right to exercise the company's franchise and to erect and maintain these structures shown upon its plan made part of the petition and numbered 22941, outside of the area of condemnation referred to in Chapter 635 of the Laws of 1923 and in no way connected with the portion of the spur within the area of condemnation.

Upon an examination of the record and a study of the exhibits there seems to be presented for consideration the following matters:

(a) The relocation of the columns supporting Forty-second Street Station of the Third Avenue Elevated Line, which columns are now within the roadway of Forty-second Street west of Third Avenue so as to relocate said columns on the south and north sidewalks of Forty-second Street, respectively. This, in turn, requiring the substitution of a plate girder for the present lattice type construction extending from the northerly curb to the southerly curb of Forty-second Street. The type of plate girder necessitated by the best engineering practice is probably not less than five feet in depth which substitution requires in turn a reconstruction of the existing stairway at the northwest corner of Forty-second Street and Third Avenue in order that it might correlate with the new conditions. In this connection it is also proposed to

reconstruct a portion of the existing undergrade footbridge so as to provide a direct connection between the stairway at the northwest corner of Forty-second Street and the proposed stairway at the northeast and southwest corners of Forty-second Street and Third Avenue.

(b) The construction of a new stairway at the southwest corner of Forty-second Street and Third Avenue which will afford a direct connection with the downtown local platform and with the uptown platform by means of the under-grade footbridge.

(c) The construction of a new stairway at the northeast corner of Forty-second Street and Third Avenue leading from Third Avenue to the uptown platform and to the express station platform and also to the downtown platform of the station by means of the said undergrade footbridge.

(d) The retention and/or reconstruction of a porter's closet, women's toilet, house for trackmen, circuit breaker house, cable splicing platform, which are necessary, it is claimed, by reason of the power cable connection between the Third Avenue Line and the Queensboro Subway under and along Forty-second Street.

(e) The construction of approximately 125 feet of duct line under and along Forty-second Street between Shaft No. 1 of the Queensboro Subway Rapid Transit Railroad and a pipe connection along a column of the elevated railroad to the circuit breaker house proposed to be retained.

The consideration of these matters divides itself into three parts:

1. Those structures or facilities which are necessitated by the removal of the Forty-second Street spur.

2. Those structures or facilities which are not necessitated by the removal of the Forty-second Street spur but which may promote the convenience of the travelling public using the Forty-second Street station of the Third Avenue Elevated Line.

3. Those units which could be considered by the Commission under the contract or certificate made with or issued to Interborough Rapid Transit Company either as Lessee of the City Railroad or as Lessee of the Manhattan Elevated Railroads.

The Engineers of the Commission and of the Company are of the opinion which was not refuted by the expert for the City upon cross-examination, that the proper engineering treatment of the spur for the Third Avenue Station upon its removal necessitates the relocation of the supporting columns to the sidewalk on the north and south sides of Forty-second Street and substitution of the plate girder for the existing lattice type girder. The Engineers are also agreed that the installation of such new girder will require the reconstruction of the stairway at the northwest corner of Forty-second Street and Third Avenue as indicated upon said drawing numbered 22941 and that the additional risers and landings shown upon said plan within the area of condemnation are necessary. With this opinion I agree.

At the request of the Corporation Counsel inspectors of the Commission took counts of the people using the stairway at the westerly end of the existing Forty-second Street Spur which were taken on November 20, 1923 and November 21, 1923 between the hours of 6:10 A. M. and 12:00 M. A tabulation of this count is shown on Exhibit No. 7 herein and it will be noted that the total number of people using said stairway at the westerly end of the Forty-second Street Spur between said hours on November 20, 1923 was 12,309 and on November 21, 1923, 12,137; that between the hours of 8:00 and 9:00 A. M. a total of 3,213 persons used said stairways on November 20, 1923 and a total of 3,165 used said stairway on November 21, 1923 between the hours of 8:00 A. M. and 9:00 A. M. The said stairway at the westerly end of the spur is approximately 7 feet in width. The Engineers of the Commission and the experts in the Transit Bureau of the Commission are unanimous in the belief that the removal of this stairway at the westerly end of the spur as a part of the spur creates a necessity for the construction of the additional stairway at the southwest corner of Forty-second Street and Third Avenue. While the expert for the City, Mr. Breckenridge, testified that in his opinion, no additional stairway was necessary. I am of the opinion that the removal of a facility such as a seven foot stairway obviously without any consideration, theoretical hypothesis or mathematical calculation requires the substitution of another facility of sufficient size to accommodate the number of passengers who formerly used the stairway to be removed. I am therefore of the opinion that the new stairway from the southerly side of Forty-second Street as shown upon said drawing numbered 22941 is necessary and should be constructed and maintained within the area of condemnation.

The construction of the stairway from the southerly side of Forty-second Street as shown upon the petitioner's drawing No. 22941 leads also to the conclusion that the retention of the waiting room, porter's closet, house for trackmen, women's toilet, circuit breaker house and cable splicing platform should also be retained or reconstructed for the reason that the waiting room, porter's closet and circuit breaker house being easterly of the new stairway afford no greater encroachment than formerly upon Forty-second Street. The cable splicing platform should also be retained for the reason as will hereafter be more clearly indicated; that the connection between the power supply of the Third Avenue Elevated Line and the Queensboro Subway Rapid Transit Railroad will probably be continued for sometime to come.

The Interborough Company is now maintaining as part of the so-called power consolidation scheme a connection between the power supply on the Third Avenue Elevated Line and the power supply in the Queensboro Subway Rapid Transit Railroad by means of cables supported by the spur and Column No. 5 through Shaft No. 1 of the Rapid Transit Railroad in addition to certain telephone and other cables. This connection affords a double source of supply, one from the Manhattan Power House and the other from the Interborough Company's power house which it is conceded is necessary in the operation of under river railroads so as to insure as nearly as may be a full and independent supply of power from two sources in case of breakdown. Apart from the consideration to be given to the necessity of additional power supply to operate the extension of the Queensboro Rapid Transit Railroad westerly of Seventh Avenue it is undoubtedly the fact that the present tie between Third Avenue Elevated Railroad and the subway at Forty-second Street is to continue indefinitely and upon the removal of the spur some way must be found for taking care of these tie and other cables. The Engineers of the Commission and of the petitioner are of the opinion that the better and cheaper method of affording this housing for the cables is by means of a duct line between Shaft No. 1 of the said Queensboro subway and a pipe leading to the elevated structure at the corner of Forty-second Street and Third Avenue. The construction of ducts sufficient to house the existing cables on the spur is necessary. The Commission, however, will no doubt, in its approval of plans for the construction of such a duct line anticipate the future needs of this Rapid Transit Railroad under and along Forty-second Street but in my opinion provision for additional ducts is not necessitated by the removal of the Forty-second Street Spur.

The construction of a new house for trackmen under the express track while outside of the area of condemnation seems reasonably necessary as a substitute for equal facilities now existing on the spur and in my opinion should be provided for the convenience of the employees of the petitioner. This unit as stated is outside of the area of condemnation but all the units heretofore discussed are within the area of condemnation as defined by the act under which this petition is made.

The stairway at the northeast corner of Forty-second Street and Third Avenue I consider to be entirely divorced from the removal of the spur and in no way necessitated by its removal. It does appear, however, from the opinion of the experts of the Commission that such a stairway would greatly add to the convenience of the travelling public using the Forty-second Street Station of the Third Avenue Line. It should be noted also that this station is an express station as well as a local station.

I therefore conclude and recommend that the Commission issue a certificate pursuant to the provisions of Chapter 635 of the Laws of 1923 that it is necessary for the public convenience and necessity that the petitioner maintain, construct or reconstruct within the area of condemnation as prescribed by said law, two columns supporting the Forty-second Street Station of the Third Avenue Elevated Line, which columns are now within the roadway of Forty-second Street west of Third Avenue and a plate girder in place of the present lattice type construction extending from the northerly curb to the southerly curb of Forty-second Street, the existing stairway at the north-westerly corner of Forty-second Street and Third Avenue, a new stairway at the south-westerly corner of Forty-second Street and Third Avenue, the existing waiting room, porter's closet, house for trackmen, women's toilet, circuit breaker house and cable splicing platform and the construction of a duct line under and along Forty-second Street between Shaft No. 1 of the Queensboro Subway Rapid Transit Railroad and a pipe connection to the elevated railroad at the corner of Forty-second Street and Third Avenue substantially as shown upon petitioner's said drawing number 22941.

That the Commission pursuant to the authority vested in it by the provisions of Section 53 of the Public Service Commission Law issue a certificate that the public

convenience and necessity, apart from the effect resultant upon the removal of the Forty-second Street Spur and independent of such removal would be promoted by the construction, maintenance and operation of the stairway at the northeast corner of Forty-second Street and Third Avenue as shown upon said plan hereinbefore referred to.

That the Commission reserve for determination under its contractual power the number of ducts to be installed under and along Forty-second Street for the additional power supply made necessary by the extension of the Queensboro Subway Rapid Transit Railroad including the ducts necessary to accommodate the cables now maintained upon the spur.

Dated, New York, December 6, 1923.

GEO. L. LUCAS,
Acting Chief Executive Officer.

Thereupon the above mentioned Report and Opinion in Case No. 2704 was approved and adopted and an Order in Case No. 2704 was adopted and ordered filed in the following form:

Present:
GEORGE McANENY, }
Chairman, } Commissioners.
LEROY T. HARKNESS, }

<p>IN THE MATTER of the Application of the MANHATTAN RAILWAY COMPANY for a determination, pursuant to Chapter 635 of the Laws of 1923, of railway facilities and structures necessary for the public convenience in the vicinity of its ele- vated railway station at Third Avenue and 42d Street.</p>	<p>ORDER AND DETERMINATION, CASE No. 2704.</p>
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The Public Service Commission for the First District having, by certificate dated April 22, 1921, in Case No. 2582, certified, pursuant to Chapter 788 of the Laws of 1917, as amended by Chapter 611 of the Laws of 1919, that the tracks, structures, station and appurtenances of the Manhattan Railway Company in East 42d Street, in the Borough of Manhattan, City of New York, are no longer necessary and convenient for the public service and constitute an impediment and obstruction to the public use of said street; and Chapter 635 of the Laws of 1923 having prescribed the area within which the said tracks, structure, station and appurtenances should be condemned by The City of New York pursuant to said certificate of the Public Service Commission, and having further provided that nothing in said act contained should be deemed to extinguish or impair any existing franchise right of the Manhattan Railway Company to construct and maintain a circuit breaker and such facilities, including stairways in connection with and immediately adjacent to its Third Avenue Station at 42d Street as the Transit Commission should determine to be necessary for the public convenience and necessity; and the said Manhattan Railway Company having, by petition dated November 9, 1923, made application to the Commission for a determination that public convenience and necessity requires:

- (a) the construction, reconstruction, maintenance and operation of certain structures and facilities designated on I. R. T. Drawing No. 22941.
- (b) that the portion of the elevated railroad structures, tracks, stations, platforms, stairways and appurtenances now existing within the condemnation area and obstructing said street are only such as are not indicated on said drawing No. 22941.
- (c) that the said certificate dated April 22, 1921 is without prejudice to any franchise of said company to construct, maintain or operate or restore said facilities.
- (d) that said removal shall be accomplished and effected by Manhattan Railway Company, the necessary and reasonable cost thereof to be paid by the City.

; and the Commission having, by order herein dated November 20, 1923, directed that a hearing on said application be held on November 28, 1923, said order designating and certifying George L. Lucas, Acting Chief Executive Officer, to conduct said hearing, take the testimony and report same to the Commission, together with his opinion thereon for its decision and determination; and the said hearing having been duly held on November 28, December 3 and 4, 1923 and Counsel to the petitioner at said hearing having orally amended its petition to make application for a certificate of convenience and necessity under Section 53 of the Public Service Commission Law for the right to exercise the company's franchise and to erect, maintain and operate such structures shown on its plan, Drawing No. 22941 as are outside of the area of condemnation referred to in Chapter 635 of the Laws of 1923; and the said Acting Chief Executive Officer having made his report and opinion dated December 6, 1923, wherein he finds and recommends

(1) That the Commission issue a certificate of convenience and necessity pursuant to Chapter 635 of the Laws of 1923; that the petitioner maintain, construct or reconstruct and operate

(a) two columns supporting the 42nd Street Station of the Third Avenue Elevated Line, which columns are now within the roadway of 42nd Street west of Third Avenue and a plate girder in place of the present lattice type construction extending from the northerly curb to the southerly curb of 42nd Street.

(b) a stairway at the southwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(c) a stairway at the northwesterly corner of 42d Street and Third Avenue leading from the street to said elevated railroad structure.

(d) the waiting room, house for trackman, porter's closet, women's toilet, circuit breaker house and cable splicing platform now upon the structure of the said elevated railroad.

(e) a duct line under and along 42d Street from Shaft No. 1 of the Queensboro Subway Rapid Transit Railroad to a pipe connection on a column supporting the elevated railroad at 42nd Street and Third Avenue sufficient to accommodate all cables now carried on the spur.

All substantially as shown on said Drawing No. 22941.

(2) That the Commission issue a certificate of convenience and necessity pursuant to Section 53 of the Public Service Commission Law; that the petitioner construct, maintain and operate a stairway at the northeast corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure, substantially as shown on said Drawing No. 22941.

(3) That the Commission reserve for consideration, under its contractual power, the number of ducts to be installed under and along 42d Street for the additional power supply made necessary by the extension of the Queensboro Subway Rapid Transit Railroad; and said report and opinion having been approved on December 6, 1923,

Now, Therefore, The Transit Commission does hereby
Order and Determine

(1) That the Commission issue a certificate of convenience and necessity pursuant to Chapter 635 of the Laws of 1923; that the petitioner maintain, construct or reconstruct and operate

(a) two columns supporting the 42nd Street Station of the Third Avenue Elevated Line, which columns are now within the roadway of 42nd Street west of Third Avenue and a plate girder in place of the present lattice type construction extending from the northerly curb to the southerly curb of 42nd Street.

(b) a stairway at the southwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(c) a stairway at the northwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(d) the waiting room, house for trackman, porter's closet, women's toilet, circuit breaker house and cable splicing platform now upon the structure of the said elevated railroad.

(e) a duct line under and along 42nd Street from Shaft No. 1 of the Queensboro Subway Rapid Transit Railroad to a pipe connection on a column

supporting the elevated railroad at 42nd Street and Third Avenue sufficient to accommodate all cables now carried on the spur.

All substantially as shown on said Drawing No. 22941.

(2) That the Commission issue a certificate of convenience and necessity pursuant to Section 53 of the Public Service Commission Law; that the petitioner construct, maintain and operate a stairway at the northeast corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure, substantially as shown on said Drawing No. 22941.

(3) That the Commission reserve for consideration, under its contractual power, the number of ducts to be installed under and along 42nd Street for the additional power supply made necessary by the extension of the Queensboro Subway Rapid Transit Railroad.

By the COMMISSION,
FRANK N. ROBINSON,
Acting Secretary.

Thereupon the certificates authorized by the foregoing order were executed by the Chairman and Acting Secretary of the Commission in the following form:

STATE OF NEW YORK—TRANSIT COMMISSION.

IN THE MATTER
of the

Application of the MANHATTAN RAILWAY COMPANY for a determination, pursuant to Chapter 635 of the Laws of 1923, of railway facilities and structures necessary for the public convenience in the vicinity of its elevated railway station at Third Avenue and 42nd Street.

CASE No. 2704.
CERTIFICATE PURSUANT TO
CHAPTER 635 OF THE
LAWS OF 1923.

The Public Service Commission for the First District having by certificate dated April 22, 1923, in Case No. 2582 certified pursuant to Chapter 788 of the Laws of 1917, as amended by Chapter 611 of the Laws of 1919, that the tracks, structures, station and appurtenances of the Manhattan Railway Company in East 42nd Street, in the Borough of Manhattan, City of New York, are no longer necessary and convenient for the public service and constitute an impediment and obstruction to the public use of said street; and Chapter 635 of the Laws of 1923 having prescribed the area within which the said tracks, structure, station and appurtenances should be condemned by The City of New York pursuant to said certificate of the Public Service Commission, and having further provided that nothing in said act contained should be deemed to extinguish or impair any existing franchise right of the Manhattan Railway Company to construct and maintain a circuit breaker and such facilities, including stairways in connection with and immediately adjacent to its Third Avenue Station at 42nd Street as the Transit Commission should determine to be necessary for the public convenience and necessity; and the said Manhattan Railway Company having, by petition dated November 9, 1923, made application to the Commission for a determination that public convenience and necessity requires:

(a) The construction, reconstruction, maintenance and operation of certain structures and facilities designated on I. R. T. Drawing No. 22941.

(b) that the portion of the elevated railroad structures, tracks, stations, platforms, stairways and appurtenances now existing within the condemnation area and obstructing said street are only such as are not indicated on said drawing No. 22941.

(c) that the said certificate dated April 22, 1921, is without prejudice to any franchise of said company to construct, maintain or operate or restore said facilities.

(d) that said removal shall be accomplished and effected by Manhattan Railway Company, the necessary and reasonable cost thereof to be paid by the City.

; and the Commission having, by order herein dated November 20, 1923, directed that a hearing on said application be held on November 28, 1923, said order designating

and certifying George L. Lucas, Acting Chief Executive Officer, to conduct said hearing, take the testimony and report same to the Commission, together with his opinion thereon for its decision and determination; and the said hearing having been duly held on November 28, December 3 and 4, 1923, and Counsel to the petitioner at said hearing having orally amended its petition to make application for a certificate of convenience and necessity under Section 53 of the Public Service Commission Law for the right to exercise the company's franchise and to erect, maintain and operate such structures shown on its plan, Drawing No. 22941 as are outside of the area of condemnation referred to in Chapter 635 of the Laws of 1923; and the said Acting Chief Executive Officer having made his report and opinion dated December 6, 1923, wherein he finds and recommends

(1) That the Commission issue a certificate of convenience and necessity pursuant to Chapter 635 of the Laws of 1923; that the petitioner maintain, construct or reconstruct and operate

(a) two columns supporting the 42nd Street Station of the Third Avenue Elevated Line, which columns are now within the roadway of 42nd Street west of Third Avenue, and a plate girder in place of the present lattice type construction extending from the northerly curb to the southerly curb of 42nd Street.

(b) a stairway at the southwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(c) a stairway at the northwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(d) the waiting room, house for trackmen, porter's closet, women's toilet, circuit breaker house and cable splicing platform now upon the structure of the said elevated railroad.

(e) a duct line under and along 42nd Street from Shaft No. 1 of the Queensboro Subway Rapid Transit Railroad to a pipe connection on a column supporting the elevated railroad at 42nd Street and Third Avenue, sufficient to accommodate all cables now carried on the spur.

All substantially as shown on said Drawing No. 22941.

; and the Commission having, on December 6, 1923, adopted an order and determination herein, a copy of which is annexed hereto and made part hereof, ordering and determining, among other things,

(1) That the Commission issue a certificate of convenience and necessity, pursuant to Chapter 635 of the Laws of 1923; that the petitioner maintain, construct or reconstruct and operate

(a) two columns supporting the 42nd Street Station of the Third Avenue Elevated Line, which columns are now within the roadway of 42nd Street west of Third Avenue, and a plate girder in place of the present lattice type construction extending from the northerly curb to the southerly curb of 42nd Street.

(b) a stairway at the southwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(c) a stairway at the northwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(d) the waiting room, house for trackmen, porter's closet, women's toilet, circuit breaker house and cable splicing platform now upon the structure of the said elevated railroad.

(e) a duct line under and along 42nd Street from Shaft No. 1 of the Queensboro Subway Rapid Transit Railroad to a pipe connection on a column supporting the elevated railroad at 42nd Street and Third Avenue, sufficient to accommodate all cables now carried on the spur.

All substantially as shown on said Drawing No. 22941.

Now, Therefore, The Transit Commission does hereby certify pursuant to Chapter 635 of the Laws of 1923 that public convenience and necessity require the Manhattan Railway Company to maintain, construct or reconstruct and operate within the condemned area prescribed in said Chapter 635 of the Laws of 1923.

(a) two columns supporting the 42nd Street Station of the Third Avenue Elevated Line, which columns are now within the roadway of 42nd Street west of Third Avenue, and a plate girder in place of the present lattice type construction extending from the northerly curb to the southerly curb of 42nd Street.

(b) a stairway at the southwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(c) a stairway at the northwesterly corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure.

(d) the waiting room, house for trackmen, porter's closet, women's toilet, circuit breaker house and cable splicing platform now upon the structure of the said elevated railroad.

(e) a duct line under and along 42nd Street from Shaft No. 1 of the Queensboro Subway Rapid Transit Railroad to a pipe connection on a column supporting the elevated railroad at 42nd Street and Third Avenue, sufficient to accommodate all cables now carried on the spur.

All substantially as shown on said Drawing No. 22941.

Dated, December 6, 1923.

GEORGE McANENY,
Chairman.

Attest:

FRANK N. ROBINSON,
Acting Secretary.

STATE OF NEW YORK—TRANSIT COMMISSION

IN THE MATTER
of the

Application of the MANHATTAN RAILWAY COMPANY for a determination, pursuant to Chapter 635 of the Laws of 1923, of railway facilities and structures necessary for the public convenience in the vicinity of its elevated railway station at Third Avenue and 42nd Street.

CASE No. 2704.
CERTIFICATE PURSUANT TO SECTION 53 OF THE PUBLIC SERVICE COMMISSION LAW.

The Public Service Commission for the First District having, by certificate dated April 22, 1921, in Case No. 2582, certified, pursuant to Chapter 788 of the Laws of 1917, as amended by Chapter 611 of the Laws of 1919, that the tracks, structures, station and appurtenances of the Manhattan Railway Company in East 42d Street in the Borough of Manhattan, City of New York, are no longer necessary and convenient for the public service and constitute an impediment and obstruction to the public use of said street; and Chapter 635 of the Laws of 1923 having prescribed the area within which the said tracks, structure, station and appurtenances should be condemned by The City of New York pursuant to said certificate of the Public Service Commission, and having further provided that nothing in said act contained should be deemed to extinguish or impair any existing franchise right of the Manhattan Railway Company to construct and maintain a circuit breaker and such facilities, including stairways in connection with and immediately adjacent to its Third Avenue Station at 42d Street as the Transit Commission should determine to be necessary for the public convenience and necessity; and the said Manhattan Railway Company having, by petition dated November 9, 1923, made application to the Commission for a determination that public convenience and necessity requires:

(a) the construction, reconstruction, maintenance and operation of certain structures and facilities designated on I. R. T. Drawing No. 22941.

(b) that the portion of the elevated railroad structures, tracks, stations, platforms, stairways and appurtenances now existing within the condemnation area and obstructing said street are only such as are not indicated on said drawing No. 22941.

(c) that the said certificate dated April 22, 1921 is without prejudice to any franchise of said company to construct, maintain or operate or restore said facilities.

(d) that said removal shall be accomplished and effected by Manhattan Railway Company, the necessary and reasonable cost thereof to be paid by the City.

; and the Commission having, by order herein dated November 20, 1923, directed that a hearing on said application be held on November 28, 1923, said order designating and certifying George L. Lucas, Acting Chief Executive Officer, to conduct said hear-

ing, take the testimony and report same to the Commission, together with his opinion thereon for its decision and determination; and the said hearing having been duly held on November 28, December 3 and 4, 1923 and Counsel to the petitioner at said hearing having orally amended its petition to make application for a certificate of convenience and necessity under Section 53 of the Public Service Commission Law for the right to exercise the company's franchise and to erect, maintain and operate such structure shown on its plan, Drawing No. 22941 as are outside of the area of the condemnation referred to in Chapter 635 of the Laws of 1923; and the said Acting Chief Executive Officer having made his report and opinion dated December 6, 1923, wherein he finds and recommends that the Commission issue a certificate of convenience and necessity pursuant to Section 53 of the Public Service Commission Law; that the petitioner construct, maintain and operate a stairway at the northeast corner of 42d Street and Third Avenue leading from the street to said elevated railroad structure, substantially as shown on said Drawing No. 22941.

And the Commission having on the 6th day of December, 1923, adopted an order and determination herein, a copy of which is annexed hereto and made part hereof ordering and determining, among other things,

(1) That the Commission issue a certificate of convenience and necessity pursuant to Section 53 of the Public Service Commission Law; that the petitioner construct, maintain and operate a stairway at the northeast corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure substantially as shown on said Drawing No. 22941.

Now, Therefore, the Transit Commission

Does Hereby Certify pursuant to Section 53 of the Public Service Commission Law that it is necessary or convenient for the public service that Manhattan Railway Company construct, maintain and operate a stairway at the northeast corner of 42nd Street and Third Avenue leading from the street to said elevated railroad structure substantially as shown on said Drawing No. 22941.

December 6, 1923.

GEORGE MCANENY,
Chairman.

Attest:

FRANK N. ROBINSON,
Acting Secretary.

1722—R. T. 7661

Route No. 78-B—Resolution Extending Time of Board of Estimate and Apportionment for Thirty Days from December 10, 1923, within Which to Consider Route and General Plan for Central Park, Eighth Avenue and St. Nicholas Avenue Route—Adopted

The following resolution was adopted:

Whereas, This Commission, by resolution adopted on October 11, 1923, adopted a route and general plan for a proposed rapid transit railroad, in the Borough of Manhattan, in the City of New York, known as the Central Park, Eighth Avenue and St. Nicholas Avenue Route, Route No. 78-B, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration, pursuant to the provisions of the Rapid Transit Act, which, by the provisions of Section 5 thereof, requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time expires on December 10, 1923; and

Whereas, The said route and general plan is now being considered by the Committees of said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said Committees,

Resolved, That the time within which a final vote shall be taken upon said route and general plan by the Board of Estimate and Apportionment in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended thirty (30) days from December 10, 1923.

December 10, 1923]

1268

1723—R. T. 7103

Contract No. 3—Copy of Communication to Brown, Wheelock Company Requesting Appraisal of Property in Block Bounded by West 150th and West 151st Streets, Seventh Avenue and Harlem River, Borough of Manhattan—Approved

A copy of the following communication was approved; and it was directed that an order be issued for the performance of the work:

December 6, 1923.

BROWN, WHEELOCK COMPANY,
14 Wall Street,
New York City, N. Y.

Att. of: Mr. Stevens.

Gentlemen:

This Commission is desirous of ascertaining the present fair market value of the block of waterfront property located between West 150th and West 151st Streets, Seventh Avenue and the Harlem River, Borough of Manhattan. This property is known as Block 2019, Lot 1, on the assessment roll for the Borough of Manhattan, containing approximately 49 lots of upland, together with riparian rights.

Your Mr. Stevens has given Mr. Schermerhorn of this office a figure of \$500. as the charge of your Company for making the desired appraisal and has stated that he thought the appraisal could be furnished by Monday or Tuesday of next week.

Please, therefore, furnish this Commission with an appraisal of this property by Monday or Tuesday of next week. Please present bill for this service in duplicate.

Very truly yours,

JAMES B. WALKER,
Secretary.

1724

Hearing

The following hearing was held:

11 A. M.; Case No. 2703; New York Central Railroad Company; Petition for order determining the elimination of certain street crossings by its railroad at grade on the West Side of Manhattan Island, from the southerly terminus of said railroad at St. John's Park, to the Harlem Ship Canal, formerly Spuyten Duyvil Creek. Chairman McAneny and Commissioner Harkness presided. Adjourned to December 10, 1923 at 10:30 A. M.

FRANK N. ROBINSON,
Acting Secretary.

Proceedings for Monday, December 10, 1923

1725

Hearings

The following hearing was held:

10:55 A. M.; Case No. 2703; New York Central Railroad Company; Hearing on petition for an order of the Transit Commission determining the elimination of certain street crossings by railroad at grade on the West Side of Manhattan Island, from the southerly terminus of said railroad at St. Johns Park, to the Harlem Ship Canal, formerly

Spuyten Duyvil Creek. Chairman McAneny and Commissioner Harkness presided. Adjourned to December 17, 1923, at 10:30 A. M.

The following hearings were adjourned:

Case No. 1567; The Long Island Railroad Company; Application of the City of New York relative to opening Lambertville Avenue from Sutphin Road to Merrick Road in the Fourth Ward, Borough of Queens, across the tracks of the Montauk Division. Adjourned on application of the City of New York to December 27, 1923, at 10:30 A. M.

R. T. 4007; Interborough Rapid Transit Company; Lengthening of platforms at local stations, Contract No. 3. Adjourned on application of the company to January 7, 1924, at 11 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, December 11, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1726—R. T. 7661

Route No. 78-B—Resolution Amending Resolution of December 6, 1923, Extending Time of Board of Estimate and Apportionment within which to Consider Route and General Plan for Central Park, Eighth Avenue and St. Nicholas Avenue Route, so as to Substitute Date—Adopted

The following resolution was adopted:

Resolved, That the resolution adopted by this Commission on December 6, 1923, as follows:

“Whereas, This Commission, by resolution adopted on October 11, 1923, adopted a route and general plan for a proposed rapid transit railroad, in the Borough of Manhattan, in the City of New York, known as the Central Park, Eighth Avenue and St. Nicholas Avenue Route, Route No. 78-B, and thereafter transmitted said route and general plan to the Board of Estimate and Apportionment for its consideration, pursuant to the provisions of the Rapid Transit Act, which, by the provisions of Section 5 thereof, requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time expires on December 10, 1923; and

Whereas, The said route and general plan is now being considered by the Committees of said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said Committees,

Resolved, That the time within which a final vote shall be taken upon said route and general plan by the Board of Estimate and Apportionment in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended thirty (30) days from December 10, 1923.”

be amended so as to read as follows:

“Whereas, This Commission, by resolution adopted on October 11, 1923, adopted a route and general plan for a proposed rapid transit railroad, in the Borough of Manhattan, in the City of New York, known as the Central Park, Eighth Avenue and St. Nicholas Avenue Route, Route No. 78-B, and thereafter transmitted said

route and general plan to the Board of Estimate and Apportionment for its consideration, pursuant to the provisions of the Rapid Transit Act, which, by the provisions of Section 5 thereof, requires a vote to be taken on said route and general plan by said Board within sixty days after it shall have been first received by said Board, which time expires on December 18, 1923; and

Whereas, The said route and general plan is now being considered by the Committees of said Board of Estimate and Apportionment and this Commission and additional time will be required for the deliberation thereon by said Committees,

Resolved, That the time within which a final vote shall be taken upon said route and general plan by the Board of Estimate and Apportionment in accordance with the provisions of the Rapid Transit Act, be and the same hereby is extended thirty (30) days from December 18, 1923."

1727—R. T. 7603

Route No. 52, Section No. 3—Proposed Assignment by Oakdale Contracting Company, Inc., to Equitable Trust Company of Sum of \$75,224.28 of Moneys Due Under Contract for Construction of Part of Flushing Line—Approval Resolution

A proposed assignment was presented from the Oakdale Contracting Company, Inc., to the Equitable Trust Company, assigning the sum of \$75,224.28 of moneys due or to grow due under the contract for the construction of Section No. 3 of Route No. 52—Flushing Line.

The following resolution was adopted:

Whereas, On or about the 28th day of March, 1923, The City of New York, acting by the Transit Commission, entered into a contract with Oakdale Contracting Company, Inc., for the construction of a part of the Flushing Route Rapid Transit Railroad (Section No. 3 of Route No. 52) in the Borough of Queens, City of New York; and

Whereas, Said Oakdale Contracting Company, Inc., has submitted to the Transit Commission a proposed assignment dated the 7th day of December, 1923, assigning Seventy-five thousand two hundred and twenty-four dollars and twenty-eight cents (\$75,224.28) moneys due and to grow due under or on account of said contract to the Equitable Trust Company of New York and in accordance with the provisions of said contract and the requirements of law have requested this Commission to consent to said proposed assignment,

Resolved, That said assignment aforesaid now submitted to the Transit Commission be and the same hereby is approved subject to the terms and conditions in said contract contained and upon the conditions following:

First: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no way defeat or impair such rights and remedies as subcontractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or services performed or material furnished if said assignment had never been made, such rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment hereby approved and the consent of the Transit Commission herein given shall in no respect affect the rights of The City of New York or of the Transit Commission or of any Board, Officer, agent or employee acting for or on behalf of The City of New York or the Transit Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification or estimates for payment of moneys pursuant to the terms and conditions of said contract (including but not limited to the right to satisfy or discharge liens, with interest and costs, and to pay the amount of any judgment obtained on account of injuries or alleged injuries to person or property) such rights as well as all other rights of The City of New York and the Transit Commission to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: The consent of the Transit Commission to said assignment herein given shall take effect if, when and only when the sureties upon the bond deposited as security for the faithful performance on the part of the contractor of its obligations under said contract shall consent in writing to said assignment and the conditions of this reso-

lution in form to be approved by Counsel to the Commission and further until the assignee under said assignment, the Equitable Trust Company of New York, shall consent and accept the terms and conditions of this resolution, in form to be approved by Counsel to the Commission.

1728—R. T. 7681

Contract No. 3—Proposed Assignment by D. C. Serber, Inc., to Chatham & Phenix National Bank of Sum of \$12,000 of Moneys Due Under Contract for Construction of Enclosures to Third Addition to Shops on Lenox Avenue and 148th Street Yard—Approval Resolution

A proposed assignment was presented from D. C. Serber, Inc., to the Chatham & Phenix National Bank, assigning the sum of \$12,000 of moneys due or to grow due under the contract for the construction of enclosures to the 3rd Addition to Shops, at the Lenox Avenue and 148th Street Yard.

The following resolution was adopted:

Whereas, D. C. Serber, Inc., assignee of D. C. Serber, under a contract dated October 22, 1923 between The City of New York, acting by this Commission, and said D. C. Serber, for construction of enclosures to the Third Addition to Shops at the Lenox Avenue and 148th Street Yard under Contract No. 3, has submitted to this Commission for approval a proposed assignment dated December 11, 1923, to the Chatham & Phenix National Bank of the City of New York of the sum of \$12,000, now due or to grow due under said contract; and

Whereas, Counsel has recommended the approval of said assignment,

Resolved, That said assignment so submitted be and the same hereby is approved subject to the terms and conditions contained in said contract and upon condition further:

First: That said assignment and the consent herein given shall in no respects affect or impair such rights and remedies as contractors or other persons or corporations would have had against such moneys assigned as aforesaid or any portion thereof on account of work, labor or service performed or material furnished if said assignment had never been made, said rights and remedies to remain in all respects the same as if said assignment had never been made.

Second: That said assignment and the consent herein given shall in no respect affect the rights of The City of New York or the rights of this Commission or of any agent or employee acting for the City of New York or this Commission to deduct, reserve, retain, withhold, apply, use or pay moneys or to withhold certification of estimates for payment of moneys pursuant to the terms or conditions of said contract (including but not limited to the right to satisfy or discharge liens with interest and cost and to pay the amount of any judgment on account of injuries to persons or property) such rights as well as all other rights of the City of New York to remain unchanged and in full force and effect in all respects as if said assignment had never been made.

Third: That this consent shall be of no force or effect unless and until there shall be delivered to this Commission a consent in writing to such assignment by the sureties upon the bond deposited as security for the faithful performance of said contract, in a form to be approved by Counsel to this Commission.

1729—R. T. 7640

Order No. 8—Certificate by Chief Engineer of Completion of Contract for Supply of Ties and Timber—Resolution Accepting Work and Directing That Certificate be Filed with Comptroller

The following certificate was approved:

December 7, 1923.

TO: TRANSIT COMMISSION

Subject: Certificate of Completion: Ties and Timber
Order No. 8

In connection with the contract dated May 11, 1923 between the City of New York and Alfred R. Sax Lumber Company for the supply of ties and timber, Order

No. 8, I hereby certify that the delivery of materials was completed on September 17, 1923. The total cost of the work was \$19,999.46.

In accordance with the provisions of the contract all materials should have been delivered by September 18, 1923. As all material was delivered within the contract time, there are no liquidated damages to be assessed.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The contract dated May 11, 1923, between The City of New York, acting by the Transit Commission, and Alfred R. Sax, Lumber Company, for the supply of ties and timber (Order No. 8), for use in the installation of tracks in municipal rapid transit railroads, required the completion of all work thereunder on or before September 18, 1923; and

Whereas, The Chief Engineer of this Commission by communication dated December 7, 1923, has reported that all the work required under said contract was in all respects completed on or before September 18, 1923; that the total amount due therefor was \$19,999.46, and recommends that the work so performed and the material delivered be accepted and that a certificate of such completion of performance and delivery be prepared and transmitted to the Comptroller of The City of New York.

Resolved, That said report and recommendation be and the same hereby are approved; that the work performed and the material delivered under said contract be and the same hereby is accepted and that a certificate of such completion of performance and delivery and acceptance be prepared and transmitted to the Comptroller of The City of New York.

1730—R. T. 7596

Agreement "CF"—Certificate by Chief Engineer of Completion of Contract for Distribution and Installation of Covers, Frames and Panels for Low Duct Bench Manholes—Resolution Accepting Work and Directing that Certificate be Filed with Comptroller.

The following certificate was approved:

December 6, 1923.

TO TRANSIT COMMISSION:

Certificate of Completion: Distributing and Installing Covers, Frames and Asbestos Panels for Low Duct Bench Manholes, Agreement "CF."

In connection with contract dated November 20, 1922, between the City of New York, acting by the Transit Commission, and New York Rapid Transit Corporation, as successor to New York Consolidated Railroad Company, or its Receiver, for the distribution and installation of covers, frames and asbestos panels for low duct bench manholes (Contract No. 4), I hereby certify that all work was completed on August 10, 1923. The total cost of the work was \$3,679.95.

In accordance with the provisions of the contract all work should have been completed by April 1, 1923. The time for completion, however, was extended to August 10, 1923, by resolution of the Transit Commission adopted on December 5, 1923.

Recommended that the work be accepted and a certificate to this effect be transmitted to the Comptroller of the City of New York.

ROBT. RIDGWAY,
Chief Engineer.

The following resolution was adopted:

Whereas, The contract dated November 20, 1922, between The City of New York, acting by the Transit Commission, and New York Rapid Transit Corporation (as successor to New York Consolidated Railroad Company and/or its Receiver) for the distribution and installation of covers, frames and asbestos panels for low duct bench manholes, required the completion of all work thereunder on or before April 1, 1923, which time was extended to and including August 10, 1923, by resolution of the Transit Commission adopted on December 5, 1923; and

Whereas, The Chief Engineer of this Commission by communication, dated December 6, 1923, has reported that all the work required under said contract was in all respects completed on or before August 10, 1923; that the total amount due therefor was \$3,679.95 and recommends that the work so performed be accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

Resolved, That said report and recommendation be and the same hereby are approved; that the work so performed be and the same hereby is accepted and that a certificate of such final completion and acceptance be prepared and transmitted to the Comptroller of The City of New York.

1731—R. T. 7539

Route No. 8, Sections Nos. 1 and 2—Report by Chief Engineer Recommending Approval of Schedule Item for Grouting Space Between Girders at Union Square Station under Contract for Construction of Station Finish—Approval Resolution

A report was presented from the Chief Engineer dated December 7, 1923, recommending the establishment of a supplementary schedule item, as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of this Commission, in pursuance of Item 150 of the contract dated February 24, 1922 between the City of New York acting by the Transit Commission and Chas. H. Brown & Son Corporation, for the completion of construction of station finish for a part of Fourteenth Street-Eastern Rapid Transit Railroad, known as Route 8, Sections 1 and 2, having, subject to the approval of the Commission, agreed with the said contractor on the following schedule item:

Item No. 11-F—For grouting the space between all the double longitudinal girders supporting the Broadway subway and forming part of the ceiling of the Union Square Station, 14th Street-Eastern Line, including all labor, material and all necessary and incidental work connected therewith in accordance with the directions of the Engineer, the lump sum price of..... \$2,068.37

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1732—R. T. 7080

Contract No. 2—Application by Interborough Rapid Transit Company for Approval of Agreement for Stand Privileges at Atlantic, Flatbush and Fourth Avenues, Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated November 21, 1923, requesting approval of an extension until September 30, 1926, of an agreement with the Burnee Corporation, covering stand privileges on the sidewalk at Atlantic Avenue, Flatbush Avenue and Fourth Avenue, Borough of Brooklyn.

A report was presented from the Real Estate Clerk, dated December 10, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Interborough Rapid Transit Company by application dated November 21, 1923, has requested approval of an extension until September 30, 1926, of its license agreement with Burnee Corporation, which was approved by the Transit Construction Commissioner on March 15, 1921, and which will expire on January 1, 1924, covering stand privileges on the sidewalk adjoining the island subway station in the triangle bounded by Atlantic, Flatbush and Fourth Avenues, Borough of Brooklyn, upon the same terms otherwise and at the same rental, to wit: \$7,500 per annum, as now obtain; and

Whereas, The Real Estate Clerk, under date of December 10, 1923, has reported upon this application, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application of Interborough Rapid Transit Company, and that the Chairman be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application.

1733—R. T. 6080

Contract No. 3—Application by Lenox Lumber Co., Inc., for Permission to Continue in Occupancy of Premises on Northerly Side of West 145th Street Between Lenox Avenue and Harlem River, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the Lenox Lumber Co., Inc. dated December 8, 1923, requesting permission to continue in occupancy of the premises on the northerly side of West 145th Street between Lenox Avenue and the Harlem River, Borough of Manhattan, at a rental of \$150 per month beginning November 1, 1923, and \$175 per month beginning July 1, 1924.

A report was presented from the Real Estate Clerk dated December 10, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Lenox Lumber Co., Inc., a domestic corporation of the State of New York, having its main office at No. 11 West 145th Street, Borough of Manhattan, City of New York, has made application under date of December 8, 1923, for permission to occupy substantially the same concession rented by it prior to November 1, 1923, from Daly Brothers Company, a tenant of this Commission, on the northerly side of West 145th Street, between Lenox Avenue and the Harlem River, Borough of Manhattan, agreeing to pay \$150.00 per month rental beginning November 1, 1923, and \$175.00 per month rental beginning July 1, 1924, to vacate on thirty (30) days' notice and to other terms similar to those usually contained in like applications, including absolute restriction against assignment or subletting without the express consent of the Commission, the concession to be used for a poultry market; and

Whereas, The Real Estate Clerk, under date of December 10, 1923, has reported upon this application, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application of Lenox Lumber Co., Inc., and that the Secretary be, and he hereby is, authorized and directed to subscribe its approval on said application.

1734—R. T. 6080

Contract No. 3—Application by Cohn & Frankel for Permission to Continue in Occupancy of Premises on Northerly Side of West 145th Street, Between Lenox Avenue and Harlem River, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Cohn & Frankel, dated December 6, 1923, requesting permission to continue in occupancy of the premises on the northerly side of West 145th Street between Lenox Avenue and the Harlem River, Borough of Manhattan, at a rental of \$60.00 per month beginning November 1, 1923 and \$75.00 per month beginning July 1, 1924.

A report was presented from the Real Estate Clerk dated December 10, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Cohn & Frankel, a partnership, having an office at No. 9 West 145th Street, Borough of Manhattan, City of New York, has made application under date of December 6, 1923, for permission to occupy substantially the same concession rented by it prior to November 1, 1923, from Daly Brothers Company, a tenant of this Commission, on the northerly side of West 145th Street, between Lenox Avenue and the Harlem River, Borough of Manhattan, agreeing to pay \$60.00 per month rental beginning November 1, 1923, and \$75.00 per month rental beginning July 1, 1924, to vacate on thirty (30) days' notice and to other terms similar to those usually contained in like applications, including absolute restriction against assignment or subletting without the express consent of the Commission, the concession to be used for a poultry market; and

Whereas, The Real Estate Clerk, under date of December 10, 1923, has reported upon this application, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application of Cohn & Frankel, and that the Secretary be, and he hereby is, authorized and directed to subscribe its approval on said application.

1735—R. T. 6080

Contract No. 3—Application by Henry E. Fox for Permission to Continue in Occupancy in Premises on Northerly Side of West 145th Street Between Lenox Avenue and Harlem River, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Henry E. Fox, dated December 4, 1923, requesting permission to continue in occupancy of the premises on the northerly side of West 145th Street between Lenox Avenue and the Harlem River, Borough of Manhattan, at a rental of \$40 per month, beginning November 1, 1923, and \$50 per month beginning July 1, 1924. A report was presented from the Real Estate Clerk dated December 10, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Henry E. Fox, having an office at No. 81 East 125th Street, Borough of Manhattan, City of New York, has made application under date of December 4, 1923, for permission to occupy substantially the same concession rented by him prior to November 1, 1923, from Daly Brothers Company, a tenant of this Commission, on the northerly side of West 145th Street, between Lenox Avenue and the Harlem River, Borough of Manhattan, agreeing to pay \$40.00 per month beginning November 1, 1923, and \$50.00 per month beginning July 1, 1924, to vacate on thirty (30) days' notice and to other terms similar to those usually contained in like applications, including absolute restriction against assignment or subletting without the express consent of the Commission, the concession to be used for the storage of contractors' materials and machinery; and

Whereas, The Real Estate Clerk, under date of December 10, 1923, has reported upon this application, recommending that it be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said application of Henry E. Fox, and that the Secretary be, and he hereby is, authorized and directed to subscribe its approval on said application.

1736—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Form of Contract, Specifications, etc. for Hot Water Heating System for Additions to Shops at 148th Street and Lenox Avenue Yard—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated November 19, 1923, requesting approval of a proposed form of contract, specifications,

etc., for furnishing and erecting a hot water heating system for the Second Addition to Shops, at the 148th Street and Lenox Avenue Yard, together with connections to the heating system of the old shops and to a future heating system of the Third Addition to Shops now being erected.

A report was presented from the Chief Engineer dated December 8, 1923, stating that the estimated cost of the proposed work is \$200,000, and recommending that the application be approved, from an engineering standpoint.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by communication dated November 19, 1923 has submitted for the approval of this Commission a proposed form of Invitation to Contractors, Contractor's Proposal, Contract, Specifications and Bond for the furnishing and erection of a hot water heating system for the second addition to shops at 148th Street and Lenox Avenue, together with connections to the heating system of the old shops and to a future heating system of the third addition to said shops now being erected, and has also requested this Commission to approve of the procurement of bids from the following selected contractors instead of general advertising for bids:

Gillis & Goeghegan.....	537 West Broadway
A. B. Barr.....	30 East 42nd Street
M. W. Kellog.....	90 West Street
Almirall & Company.....	1 Dominick Street
Wm. J. Olvany Inc.....	100 Charles Street

; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, by communication dated December 8, 1923 have reported that the form of the proposed contract and specifications is satisfactory from an engineering standpoint, and recommend the approval of said proposed contract and the procurement of bids from the stated contractors in lieu of a general advertisement for bids so that the heating plant may be installed with the least delay; and

Whereas, Counsel has examined said proposed contract and finds no objection thereto,

Resolved, That said report and recommendation be and the same hereby are approved; that the said proposed contract so submitted be and the same hereby is approved and that the Interborough Rapid Transit Company be and hereby is authorized to request bids from the stated contractors in lieu of advertising for bids.

1737—R. T. 6595

Contract No. 4—Statements From New York Rapid Transit Corporation of Results of Operation for Month of October, and Status of Maintenance and Depreciation Funds—Referred to Chief Accountant

The Commission referred to the Chief Accountant a communication dated December 5, 1923, from the New York Rapid Transit Corporation by Howard Abel, Comptroller, submitting statements of results of operation, for the month of October, 1923, and the status of the Maintenance and Depreciation Funds, under Contract No. 4.

1738—R. T. 7103

Contract No. 3—Report by Chief Engineer Recommending Acquisition of Property at 150th and 151st Streets, Seventh Avenue and Harlem River—Report by Real Estate Clerk Submitting Appraisal—Resolution Approving Agreement

A report was presented from the Chief Engineer dated November 13, 1923, recommending the purchase of the property located between 150th and 151st Streets, Seventh

Avenue and the Harlem River, from the Pinkney Estate for the sum of \$200,000 to be used for storage yard facilities.

A report was presented from the Real Estate Clerk dated December 10, 1923, transmitting an appraisal by Brown, Wheelock: Harris Vought & Company, Inc., submitting a valuation of \$270,000 for the property.

The following resolution was adopted:

Whereas, The Chief Engineer by report dated November 13, 1923, has recommended the purchase of certain property bounded generally by West 150th Street, West 151st Street, Seventh Avenue and the Harlem River, in the Borough of Manhattan, together with all riparian rights, to provide for additional space to be used in connection with the development of the present 148th Street Shop and Yard, for the sum of \$200,000; and

Whereas, The Real Estate Clerk, under date of December 10, 1923, has submitted an appraisal by Brown, Wheelock: Harris Vought & Co., Inc., which valued the property at \$270,000, stating that in his opinion the purchase price is fair to the City; and

Whereas, The Commission, pursuant to the provisions of Section 39 of the Rapid Transit Act, deems it necessary for the construction, maintenance and operation of rapid transit railroads described in and to be constructed pursuant to the provisions of the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, to acquire by purchase the property above referred to, together with all riparian rights of the owner thereof and all rights of said owner in streets abutting on said premises; and

Whereas, Counsel has submitted a proposed contract of sale of such property and rights between Clarence H. Kelsey, as Administrator with the Will Annexed of the Estate of Mary G. Pinkney, deceased, owner of the said property, and The City of New York, acting by the Commission, for the purchase price of \$200,000, which said proposed contract has been examined and found satisfactory by Counsel, who recommends its approval and execution;

Resolved, That the Commission do, and it hereby does, approve the said contract so submitted; that the Chairman and the Secretary be, and they hereby are, authorized and directed to respectively execute the said contract on behalf of the Commission and affix thereto the seal of the Commission; that upon execution an original of the said contract be delivered to the representative of the said Clarence H. Kelsey, as such Administrator, and that a certified copy thereof be transmitted to the Comptroller of The City of New York, together with a voucher in the sum of \$200,000 for the payment of the purchase price thereunder; and it is further

Resolved, That Counsel be, and he hereby is, authorized and directed to take the necessary steps to secure an examination of the title of said premises and appropriate title insurance therefor and to effectuate delivery of the deed thereof to The City of New York.

1739—R. T. 7431

Fourth Avenue Subway—Report by Chief Engineer Recommending Preparation of Plans for Lengthening Platforms of Certain Local Stations to 530 Feet—Approved

A report was presented from the Chief Engineer dated December 11, 1923 recommending that the Commission revise its recommendation of June 27, 1922 as to the lengthening of the stations of the Fourth Avenue Subway, from Union Street to 25th Street inclusive, so that plans may now be made for lengthening such stations from 435 feet to 530 feet, and that he be authorized to prepare plans for lengthening the 45th Street, 53rd Street, Bay Ridge Avenue, 77th Street and 86th Street Stations, from 495 feet to 530 feet.

Upon motion duly seconded and adopted, the report was approved.

1740—Case 1364

Belt Line Railway Corporation—Transfers on Street Surface Lines—Report by Counsel Recommending Retention of H. T. Kingsbury as Special Counsel, Payment of Bill for Services and That Appeal Be Taken—Report Approved

The Secretary presented a report, dated December 5, 1923, by George H. Stover, Assistant Counsel, recommending the retention of H. T. Kingsbury, as Special Counsel in the action brought in the United States District Court for the Southern District of New York by the Belt Line Railway Corporation v. Newton et al., on appeal from the order of said court, the payment of the bill of Mr. Kingsbury for \$4,000 for services rendered therein and an appeal from the order of said court.

The Secretary also presented a communication, dated December 7, 1923, from Mr. Kingsbury advising that the Corporation Counsel of The City of New York had recommended that an appeal be taken on behalf of the District Attorney of New York County.

Thereupon the above mentioned report of Assistant Counsel Stover was approved.

1741—Case 1402

The Long Island Railroad Company—Application of The City of New York for Determination of Grade of Ashland Street to Be Opened Across Company's Tracks—Report and Opinion Approved—Amended Order Adopted

The Secretary presented a Report and Opinion in Case No. 1402, dated December 4, 1923, by George L. Lucas, Acting Chief Executive Officer, recommending the adoption of an Amended Order in Case No. 1402, relative to the Ashland Street elimination across the tracks of The Long Island Railroad Company.

Thereupon the above mentioned Report and Opinion in Case No. 1402 was approved and an Order therein adopted and ordered filed in the following form:

Present:

GEORGE McANENY,
Chairman, } Commissioners.
LEROY T. HARKNESS, }

IN THE MATTER

of the

Application of the City of New York relative to the opening across the tracks of the New York and Rockaway Beach Division of THE LONG ISLAND RAILROAD COMPANY, Ashland Street, in the Fourth Ward, Borough of Queens, City of New York.

CASE No. 1402.
ORDER AMENDING ORDER
AND DETERMINATION OF
NOVEMBER 24, 1911.

The Public Service Commission for the First District having on the 24th day of November, 1911 made a final order and determination herein and no construction having been commenced upon the grade crossing elimination above mentioned, and the Commission having by order of November 7, 1923, reopened the case and directed a further hearing herein, and a hearing having been had on the 26th day of November, 1923, and George L. Lucas, Acting Chief Executive Officer, authorized and certified to conduct the said hearing, having made his report and opinion, and the same having been adopted and approved by the Commission, it is hereby

Ordered, That paragraphs (1) to (6) inclusive, of the said order and determination of the Public Service Commission dated the 24th day of November, 1911, be and the same hereby are consolidated and amended to read as follows:

“Ordered, That, pursuant to Sections 90 and 91 of the Railroad Law, the Long Island Railroad Company be and it is hereby directed to carry Ashland

Street in the Fourth Ward, Borough of Queens, City of New York, across the tracks of the Long Island Railroad Company under the said railroad, substantially as shown upon the blueprint received in evidence in this proceeding and entitled "Map and Profile Showing Scheme for carrying Ashland Street, Borough of Queens, across the tracks of N. Y. & Rockaway Beach Div. of L. I. R. R. P1055," being Exhibit No. 1 in this proceeding, the said undercrossing and approaches thereto to be constructed by the railroad company."

Further Ordered, That the said railroad company shall within 60 days after service of this order upon it, submit to the Commission for approval detailed plans and specifications and an estimate of the expenses of the proposed elimination.

Further Ordered, That the Long Island Railroad Company shall notify the Commission within 5 days after the receipt of a certified copy of this order whether the terms thereof are accepted and will be obeyed.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

1742—Case 2705

The Long Island Railroad Company—Application of The City of New York for Determination as to Manner in Which 195th Street, 198th Street and 202nd Street, in Borough of Queens, Shall Cross Main Line of Railroad—Hearing Order Adopted

The Secretary presented a certified copy of Resolution adopted by the Board of Estimate and Apportionment on October 19, 1923, requesting that the Commission determine the manner in which 195th Street, 198th Street and 202d Street, in the Borough of Queens, shall cross the Main Line of The Long Island Railroad Company.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2705, directing a hearing with respect to the above mentioned application at a date to be fixed and certifying and authorizing George L. Lucas, Acting Chief Executive Officer, to conduct said hearing, pursuant to Sections 8 and 11 of the Public Service Commission Law, to take the testimony therein and report the same to the Commission together with his opinion thereon for its decision and determination.

1743

The Baltimore and Ohio Railroad Company—New Tariff Relative to Shipments of Less Than Carload Lots in New York City—Report by Chief of Tariff Bureau Filed

The Secretary presented a report, dated December 6, 1923, by E. D. Hutchinson, Chief of Tariff Bureau, with respect to the new tariff filed by The Baltimore & Ohio Railroad Company, effective December 30, 1923, and advising that after said date it would not be possible to reforward or reconsign less than carload lots over lines of said railroad to any other station or pier in New York City, except by applying combination rates, that the matter is one that applies only to interstate shipments and recommending that said tariff be filed.

Thereupon the foregoing report was ordered filed.

1744—R. T. 7664

Route No. 33, Section No. 3—Statement as to Execution and Delivery of Original Contract for Construction of Station Finish at Lawrence Street Station—Contract Filed

The Commission ordered filed, an original contract dated December 4, 1923, between the City of New York acting by the Transit Commission and Station Finish Corporation, for the construction of Station Finish at the Lawrence Street Station—Route No. 33, Section No. 3 of the Broadway-Fourth Avenue Rapid Transit Railroad, which contract had been executed on behalf of both parties and delivered on December 4, 1923.

1745—R. T. 7602

Route No. 52, Section No. 2—Statement as to Execution and Delivery of Original Contract for Construction of Column Foundations—Contract Filed

The Commission ordered filed an original contract dated December 4, 1923, between the City of New York, acting by the Transit Commission, and the Gotham Construction Corporation for the construction of column foundations on Section No. 2 of Route No. 52, which contract had been executed on behalf of both parties and delivered on December 6, 1923.

1746—R. T. 7645

Agreement "CS"—Statement as to Execution and Delivery of Original Contract for Construction of Duct Line at 239th Street Yard—Contract Filed

The Commission ordered filed an original contract dated December 1, 1923, between the City of New York, acting by the Transit Commission, and Felix Hanratty for the construction of a duct line at the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Agreement "CS," which contract had been executed on behalf of both parties and delivered on December 6, 1923.

1747

Expenses—Communication from Board of Estimate and Apportionment with Respect to Provision for Corporate Stock Instead of Special Revenue Bonds for Expenses of Transit Commission—Referred to Counsel

The following communication from the Board of Estimate and Apportionment was referred to Counsel:

(Cal. No. 99)

December 7, 1923.

To the TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Gentlemen:

At the meeting of the Board of Estimate and Apportionment on November 16, 1923, in connection with your request for an additional appropriation of \$400,000 for the expenses and compensation of employees of the Commission for the year ending December 31, 1923, the following matters were referred to the Committee on Transportation Facilities to take up with the Transit Commission:

(a) The question of the conversion or funding by an issue of corporate stock of revenue bonds already issued for the expenses and compensation of employees of the Transit Commission.

(b) The question of providing for the 1924 payroll conditions and expenses of the Transit Commission out of corporate stock instead of special revenue bonds.

Respectfully,
JAMES MATTHEWS,
Assistant Secretary.

1748

Employees' Calendar No. 179

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—James P. Carmody, inspector of steel, at \$175.00 per month, to take effect December 15, 1923; William Y. Llewelyn, inspector of steel, at \$175.00 per month, to take effect December 15, 1923.

Appointments under Rule VIII:4—Leland F. Brown, junior assistant, at \$125.08 per month, to take effect December 10, 1923; Robert Barret, junior assistant, at \$125.08 per month, to take effect December 10, 1923; James P. Hanley, draftsman, at \$175.08 per month, to take effect December 10, 1923; Harry Kerner, assistant chemist, at \$150.00 per month, to take effect December 6, 1923; Edward J. Macri, draftsman, at \$175.08 per month, to take effect December 10, 1923; Wallace Moir, junior assistant, at \$125.08 per month, to take effect December 10, 1923; Leo Nyman, junior assistant at \$125.08 per month, to take effect December 4, 1923; Nathan Schulman, junior clerk, at \$60.00 per month, to take effect December 6, 1923.

Appointment under Rule VIII:9—Herman J. Meschonat, examiner, at \$300.00 per month, to take effect December 6, 1923.

Resignations—Edwin T. Courtney, junior electrical engineer, at \$137.50 per month, to take effect December 31, 1923; A. James Jacobs, junior assistant, at \$125.08 per month, to take effect November 26, 1923; Louis Jones, junior assistant, at \$125.08 per month, to take effect December 6, 1923; Arthur J. Nicholson, junior assistant, at \$125.08 per month, to take effect December 8, 1923; Helen Ovenden, junior clerk, at \$60.00 per month, to take effect December 15, 1923; Margaret M. Reinwald, clerk, at \$65.00 per month, to take effect December 15, 1923; Charles Shilowitz, junior assistant, at \$125.08 per month, to take effect December 8, 1923; Harry S. Stern, junior clerk, \$60.00 per month, to take effect December 15, 1923.

Termination of Appointment under Rule VIII:9—William Y. Llewelyn, inspector of steel, at \$175.00 per month, to take effect December 14, 1923.

Rescission of Appointment under Rule VIII:9—James P. Carmody, inspector of steel, at \$175.00 per month, to take effect December 27, 1923.

Change of Item in Resolution of December 5, 1923, Concerning James P. Carmody so as to read as follows: (Termination of appointment under Rule VIII:4)—James P. Carmody, inspector of steel, at \$175.00 per month, to take effect December 14, 1923.

Leave of Absence with Pay—George Paaswell, assistant engineer, from November 12, 1923, to November 18, 1923.

1749

Voucher Schedule No. 51

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York.

Vouchers Nos. 1116-1152, open market orders, \$2,350.13; Vouchers Nos. 619-636, miscellaneous bills, \$24,767.64.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 327; David Levy, approximate estimate No. 1 for making changes in the railroad structure to provide for a crossover on Section No. 5 of Route No. 8, Agreement "CP," from October 18, 1923 to November 30, 1923 (R. T. 7644) \$1,291.50;

Voucher No. 328; Jacob Schlesinger, Inc.; approximate estimate No. 6 for making changes in subway structure necessitated by the widening of 60th street, between Second and Fifth Avenues, Borough of Manhattan, from October 26, 1923 to November 25, 1923 (R. T. 7639) \$10,062.81;

Voucher No. 329; New York Rapid Transit Corporation, final estimate for distributing and installing covers, frames and asbestos lumber panels for low bench duct man-holes, Contract No. 4 (R. T. 7596) \$117.27;

- Voucher No. 330; Michael DelBalso; approximate estimate No. 11 for the installation of tracks, including furnishing part of track materials and the construction of drainage system and concrete inspection pits for a portion of the White Plains Road Rapid Transit Railroad, 239th Street Yard, from November 1, 1923 to November 30, 1923 (R. T. 7528) \$5,907.03;
- Voucher No. 331; Slattery Engineering & Construction Co., Inc.; approximate estimate No. 13 for the construction of additional approach track to the Lenox Avenue and 148th Street Yard, under Contract No. 3, from November 1, 1923 to November 30, 1923 (R. T. 7366) \$1,195.43;
- Voucher No. 332; Wagner Engineering Company, Inc.; approximate estimate No. 9 for the construction of direction signs at stations of Rapid Transit Railroad, from October 6, 1923 to December 5, 1923 (R. T. 7482) \$1,623.41;
- Voucher No. 333; D. C. Serber; approximate estimate No. 1 for the construction of enclosure of Third Addition to Shops at Lenox Avenue and 148th Street Yard, under Contract No. 3, from October 22, 1923 to November 30, 1923 (R. T. 7681) \$26,898.03;
- Voucher No. 334; Oakdale Contracting Co.; approximate estimate No. 7 for the construction of Section 3 of Route No. 52, Flushing Route, from November 1, 1923 to November 30, 1923 (R. T. 7673) \$75,224.28;
- Voucher No. 335; Frederick L. Cranford, Inc.; approximate estimate No. 8 for the construction of Section 6-A-1 of Route No. 8, from November 1, 1923 to November 30, 1923, (R. T. 7667) \$33,780.27;
- Voucher No. 336; Fox, Reynolds Co., Inc.; approximate estimate No. 7 for the completion of Newsstand enclosure at stations, under Contracts Nos. 3 and 4, from October 26, 1923 to November 25, 1923 (R. T. 7419) \$10,147.05;
- Voucher No. 337; Slattery Engineering and Contracting Co., Inc.; approximate estimate No. 1 for making changes in subway structure at West 32nd Street and Broadway, Routes Nos. 4 and 36, Section No. 2, from October 17, 1923 to November 30, 1923 (R. T. 7653) \$6,526.80;
- Voucher No. 338; Alfred R. Sax Lumber Company; Final Estimate for the supply of ties and timber, Order No. 8, to September 17, 1923 (R. T. 7640) \$1,069.74;
- Voucher No. 339; Frederick L. Cranford, Inc.; approximate estimate No. 17 for the reconstruction of a part of Section 3 of Route No. 33, Completion of Lawrence Street station, (R. T. 7454) \$18,619.03;
- Voucher No. 340; Hamme & Jackson, Inc.; approximate estimate No. 4 for reconstructing retaining wall of the 60th Street Tunnel at No. Jane Street, Borough of Queens, under the jurisdiction of the President of the Borough of Queens, from November 1, 1923 to November 30, 1923 (R. T. 7522) \$5,503.95;
- Voucher No. 341; Holbrook, Cabot & Rollins Corporation; approximate estimate No. 18 for the construction of new entrance to the 168th Street station of the Manhattan-Bronx Rapid Transit Railroad, from November 1, 1923 to November 30, 1923 (R. T. 6114) \$8,120.56;
- Voucher No. 342; Gustin-Morris Contracting Corporation; approximate estimate No. 8, for construction of foundations, Route No. 52, Section No. 1, Flushing Route, from November 1, 1923 to November 30, 1923 (R. T. 7670) \$9,269.23;
- Voucher No. 343; Jacob Schlesinger, Inc.; approximate estimate No. 6, for the construction of inspection shed and service building at Jerome Avenue Yard, Route No. 16 (R. T. 7636) \$18,264.13;
- Voucher No. 344; Powers-Kennedy Contracting Corporation; approximate estimate No. 18, for the construction of Routes Nos. 35 and 67, from November 1, 1923 to November 30, 1923 (R. T. 7584) \$70,613.96;
- Voucher No. 345; Otis Elevator Company; approximate estimate No. 6 for furnishing and installing two electric passenger elevators in new entrance to 168th Street station of Manhattan-Bronx Rapid Transit Railroad, from November 1, 1923 to November 30, 1923 (R. T. 7623) \$805.95.

1750

Upon motion duly seconded and adopted, the meeting was adjourned to Friday, December 14, 1923.

JAMES B. WALKER,
Secretary

Proceedings for Wednesday, December 12, 1923

1751

Hearing

The following hearing was adjourned:

Cases Nos. 2697 & 2698; Interborough Rapid Transit Company and New York Rapid Transit Corporation. Hearing on motion of the Commission as to the construction, operation, equipment, facilities or devices used or to be used in connection with the transportation of passengers and property with particular reference to the installation of an experimental one mile of block signals on the local tracks of the elevated portions of the lines of said companies. Adjourned by direction of the Commission to December 19, 1923, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, December 14, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matter was presented and action taken as noted:

1752—Case 2627

Interborough Rapid Transit Company—Application for Permission to Issue and Sell \$2,250,000 Equipment Trust Certificates Series "B"—Approval Order

The Secretary presented a petition, dated December 13, 1923, of the Interborough Rapid Transit Company, asking for permission to issue and sell \$2,250,000 Equipment Trust Certificates, Series "B."

Thereupon the Commission adopted and ordered filed an Order in Case No. 2627, in the following form:

Present:

GEORGE McANENY,	}	Commissioners.	
LEROY T. HARKNESS,			
JOHN F. O'RYAN,			

IN THE MATTER
of the

Hearing on the motion of the Commission upon the regulations, practices, equipment, appliances and service of the Interborough Rapid Transit Company.

CASE No. 2627.
SERVICE ORDER "B."

ORDER APPROVING "INTERBOROUGH EQUIPMENT TRUST SERIES 'B.'"

Whereas, The Transit Commission on May 2, 1922 adopted and served a final order herein directing Interborough Rapid Transit Company to order, equip and have ready for operation as more particularly set forth in said Order, 350 steel cars for use in the opera-

tion of the Railroad and Existing Railroads described in a certain contract dated March 19, 1913 entered into between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company for the construction, equipment, maintenance and operation thereof, which contract is known and hereinafter referred to as Contract No. 3, which order was duly accepted in writing by said Interborough Rapid Transit Company on May 3, 1922, and

Whereas, The Transit Commission by Order adopted and served on August 22, 1923, amended said Service Order "B" of May 2, 1922, aforesaid, in respect of the time when the said Interborough Rapid Transit Company shall order, equip and have ready for operation the said 350 steel cars as in said Order of August 22, 1923, more particularly set forth, which said order was duly accepted in writing by said Interborough Rapid Transit Company on September 27, 1923.

Whereas, By petition dated and verified the 13th day of December, 1923, said Interborough Rapid Transit Company has requested this Commission to approve of

(a) the purchase of 100 steel motor cars complete as set forth in a certain proposed Equipment Lease and Agreement comprising the "Interborough Equipment Trust, Series 'B'" as Additional Equipment in accordance with the provisions of and as is more particularly defined in said Contract No. 3; and

(b) the issuance and sale at not less than 96% of the par value thereof by said petitioner of the principal amount of the sum of \$2,250,000 of six and one-half per cent. (6½%) equipment trust certificates, Series "B," the proceeds of which are to be used by said petitioner to pay in part the cost of said 100 steel motor cars complete; and

(c) the execution by said petitioner of instruments creating such equipment trust in form as annexed to said petition;

; and

Whereas, After due deliberation and consideration it is now the opinion of this Commission that the money to be procured by the issuance of said equipment trust certificates is necessary to and reasonably required by said Interborough Rapid Transit Company for the purpose of permitting it to comply in part with the said amended order issued by this Commission on August 22, 1923, as aforesaid;

Ordered, That the Transit Commission does hereby approve of the purchase by said Interborough Rapid Transit Company of 100 steel motor cars as outlined in its petition aforesaid as "Additional Equipment" in accordance with the provisions of Contract No. 3, subject, however, to the following conditions:

1. That the rentals payable by the Interborough Rapid Transit Company under said Equipment Lease and agreement shall for the purposes of accounting under said Contract No. 3 be divided and paid as follows:

a. Capital payments, being the cost as defined in Subdivision 18 of Article II of Contract No. 3, shall be paid by the Interborough Rapid Transit Company out of its own resources realized from the stipulated contractual deductions from Revenue in accordance with Subdivision (6) of Article XLIX of said Contract No. 3 or other resources; provided, however, that if the said Interborough Rapid Transit Company shall provide such capital payments in any other matter than out of the contractual deductions under Subdivision (6) of Article XLIX of said Contract No. 3, or shall refinance the cost of said 100 motor cars by the issuance of its long term obligations, or otherwise, then the capital cost shall not be increased by the amount of any expense, by discount or otherwise, which said Interborough Rapid Transit Company shall sustain by reason of said provision or refinancing nor shall the rate of interest chargeable as part of the stipulated contractual deduction from Revenue in accordance with Subdivision (8) of Article XLIX of said Contract No. 3 with respect to said 100 steel motor cars, be greater than five per centum (5%) per annum, except as provided in Subdivision (b) of this paragraph 1.

b. Revenue deductions, including interest payments accruing on the cost of any of the said 100 motor cars complete after the placing in operation of the same shall be paid from the stipulated contractual deduction from Revenue in accordance with Subdivision (8) of Article XLIX of said Contract No. 3.

2. That no charges other than expenses (including discount not to exceed four per centum (4%) on said \$2,250,000 principal amount of Interborough Rapid Transit Com-

pany Equipment Trust Certificates, Series "B,") which may be properly included in the actual and necessary net Cost of Equipment as defined in Contract No. 3 as if actually provided by said Interborough Rapid Transit Company, shall be added to the cost of acquiring said 100 steel motor cars.

3. That full depreciation allowance on said 100 steel motor cars complete shall be paid by the Interborough Rapid Transit Company from Revenue from the agreed contractual deduction as provided for in Subdivision (5) of Article XLIX of said Contract No. 3.

Further Ordered, That Interborough Rapid Transit Company be and it is hereby authorized to enter into and to execute the agreements constituting the said equipment trust and the equipment lease provided for therein, and thereby to assume and discharge the obligations on its part created by said instruments, including payment of sums sufficient to pay the face amount of and the dividends upon the equipment trust certificates provided to be issued by the Trustees under said trust agreement for an aggregate face amount not exceeding \$2,250,000, of which certificates one-fifth of such face amount, or \$450,000, shall mature each year during the period of five years from and after the date of such certificates, and on all of which certificates there shall be payable dividends at the rate of six and one-half per centum (6½%) per annum until the respective maturities, payable semi-annually, all as set forth and provided in the said agreement and equipment lease made part of said petition.

Further Ordered, That the issuance of said equipment trust certificates is authorized and consented to upon the conditions following and not otherwise, to wit:

(a) that the said \$2,250,000 of said certificates shall be issued for a consideration equal to not less than 96% of the par value thereof and that the Interborough Rapid Transit Company shall cause the said certificates and the proceeds thereof to be applied only for and to the purposes set forth in the above mentioned petition and the proposed equipment lease and agreement creating the said Equipment Trust, Series "B," and so that by the use of such certificates or the proceeds thereof there shall be paid for and discharged, as set forth in the proposed Equipment Trust instruments, an amount of the cost of construction of the cars in said instruments described equal to not less than 96% of the par value of the said \$2,250,000 of certificates.

(b) that the said Interborough Rapid Transit Company shall keep separate, true and accurate accounts showing in detail the proceeds of the sale and disposal of the said equipment trust certificates hereby authorized to be issued, and on or before the 15th day of each month the said Interborough Rapid Transit Company shall make verified reports to this Commission stating the sale or sales of said certificates during the previous month, the moneys realized therefrom and the use and application of such moneys, stating further the source and the use and application of any other moneys paid or received under the said equipment trust agreement and lease; and said accounts, the vouchers and the records shall be open to audit and may be audited from time to time by accountants and examiners designated for such purpose by the Commission.

(c) that the approval herein given for the issuance of said equipment trust certificates is without prejudice to any contentions or arguments which the City of New York or the Transit Commission or either of them may have or desire to make at any time with respect to the proper construction of and the force and effect of any of the terms, provisions and conditions of said Contract No. 3 and is also without prejudice to any claims which the City of New York may desire to assert that the Interborough Rapid Transit Company under said Contract No. 3 is at the present time in default thereunder.

(d) that nothing contained in this approval shall amend or modify or be deemed to amend or modify said Contract No. 3 or to relieve the Interborough Rapid Transit Company thereunder of the performance of the obligations of said contract in accordance with its terms.

(e) that nothing herein in this Order contained shall prejudice any right otherwise possessed by The City of New York or the Transit Commission to object to any expenditure of proceeds of certificates hereby authorized or any expenditure in connection with the equipment trust agreement and lease, the propriety or correctness of which expenditure may be presented for determination pursuant to said Contract No. 3 or to investigate further and to question and reject as a claim,

credit or charge under said Contract No. 3 any expenditure in connection with the sale of or made out of the proceeds of such certificates or any expenditure in connection with the equipment trust agreement and lease or of any part thereof even though claimed by the Interborough Rapid Transit Company to be made for the purposes specified in this Order or in the proposed agreement and equipment trust lease creating the Interborough Equipment Trust, Series "B."

(f) the consent herein contained is given upon the further express condition that such consent shall take effect if and when and only when consent to said agreement and equipment lease creating the Interborough Equipment Trust, Series "B," shall be given, duly executed and acknowledged in form to be approved by Counsel to this Commission, by the sureties upon the continuing bond deposited by said Interborough Rapid Transit Company in accordance with the provisions of Article XVII of said Contract No. 3.

(g) nothing in this Order or in the said petition and equipment lease and agreement contained or in the action of the Commission in adopting this Order shall be understood or construed to mean or provide for the extension of any period of time in Contract No. 3 for any purpose whatsoever notwithstanding that said equipment trust certificates herein authorized are not to mature for a period of five (5) years.

(h) the Interborough Rapid Transit Company shall require the submission to this Commission for approval of any contract or agreement entered into by Rapid Transit Subway Construction Company to the same extent that the Interborough Rapid Transit Company is required to submit contracts and agreements under Contract No. 3.

Further Ordered, That the Interborough Rapid Transit Company shall notify the Transit Commission within five (5) days after service upon it of a copy of this Order whether the terms of this Order are accepted and will be obeyed.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

JAMES B. WALKER,
Secretary.

Proceedings for Monday, December 17, 1923

1753

Hearings

The following hearing was held:

11 A. M.; Case No. 2703; New York Central Railroad Company; Hearing on petition for an order of the Transit Commission determining the elimination of certain street crossings by railroad at grade on the West Side of Manhattan Island, from the southerly terminus of said railroad at St. John's Park, to the Harlem Ship Canal, formerly Spuyten Duyvil Creek. Commissioner O'Ryan of the Transit Commission and Chairman Prendergast of the Public Service Commission presided. Adjourned to January 7, 1924, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Tuesday, December 18, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1754—R. T. 7702**Route No. 52, Section No. 2—Resolution Approving Sureties upon Bond Deposited by Contractor as Security for Furnishing and Erecting Structural Steel for Part of Flushing Line—Adopted**

The following resolution was adopted:

Resolved, That the National Surety Company and the Union Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Thirty-five thousand dollars (\$35,000) deposited by The Jobson-Gifford Company as security for furnishing and erecting structural steel for Route No. 52, Section No. 2, Flushing Line, each of said sureties being held and bound in the sum of Seventeen thousand five hundred dollars (\$17,500).

1755—R. T. 7701**Route No. 18—Resolution Approving Sureties upon Bond Deposited by Contractor for Installation of Tracks, etc., at 180th Street Yard—Adopted**

The following resolution was adopted:

Resolved, That the Maryland Casualty Company of Baltimore, Maryland, and the Union Indemnity Company of New Orleans, Louisiana, be and hereby are approved as sureties upon the bond in the sum of One thousand dollars (\$1,000) deposited by McElroy & Kerwin as security for the faithful performance of the contract for the installation of frogs and switches and preparation of tracks for the storage of cars at the 180th Street Yard, Route No. 18, each of said sureties being held and bound in the sum of Five hundred dollars (\$500).

1756—R. T. 7648**Agreement "CO"—Resolution Approving Sureties upon Bond Deposited by Contractor as Security for Miscellaneous Drainage and Sewer Construction in Boroughs of Manhattan, Brooklyn and Queens—Adopted**

The following resolution was adopted:

Resolved, That the Fidelity and Deposit Company of Maryland and the Independence Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Two thousand dollars (\$2,000) deposited by Frank Persicano as security for the faithful performance of the contract for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, each of said sureties being held and bound in the sum of One thousand dollars (\$1,000).

1757—R. T. 7457**Route No. 18—Resolution Approving Sureties upon Bond Deposited by Contractor as Guarantee for Roof of Inspection Shed Enclosure for 180th Street Yard—Adopted**

The following resolution was adopted:

Resolved, That the Globe Indemnity Company and the Independence Indemnity Company be and hereby are approved as sureties upon the bond in the sum of Two thousand dollars (\$2,000) deposited by the Rosenthal Engineering Contracting Company in accordance with Article XLIX of the contract dated June 26 1923 for the construction of an inspection shed enclosure for the 180th Street Yard of the White Plains Road Rapid Transit Railroad guaranteeing that the roof of the said inspection shed

enclosure will not leak within a period of ten (10) years after the date of the final completion and acceptance of the work under the said contract, each of said sureties being held and bound in the sum of One thousand dollars (\$1,000).

1758—R. T. 6820

Fourth Avenue Subway—Communication from New York Rapid Transit Corporation Advising of Attitude of Company as to Removal of Mall Spaces, Subway Kiosks and Ventilators on Fourth Avenue Between Atlantic Avenue and 60th Street, Borough of Brooklyn—Report by Chief Engineer Submitting Estimate of Cost for Making Changes—Communication to Board of Estimate and Apportionment

A communication was presented from the New York Rapid Transit Corporation dated December 11, 1923, replying to the communication of this Commission dated November 23, 1923, as to the attitude of the company with respect to a resolution of the Board of Estimate and Apportionment dated November 16, 1923, as to the removal of mall spaces, subway kiosks and ventilators on Fourth Avenue between Atlantic Avenue and 60th Street, Borough of Brooklyn.

A report was presented from the Chief Engineer dated December 14, 1923, submitting estimates for making changes in the subway structure on the bases of reducing the width of the sidewalks or performing the work providing the sidewalks are not disturbed.

The following communication to the Board of Estimate and Apportionment was approved:

December 18, 1923.

BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission is in receipt of a communication dated November 16, 1923, from James Matthews, Assistant Secretary of your Board, as follows:

"At the meeting of the Board of Estimate and Apportionment on November 16, 1923, the Secretary was directed to request the Transit Commission to advise this Board as to the approximate cost of removing the mall spaces, the subway kiosks and ventilators on Fourth Avenue between Atlantic Avenue and 60th Street, Borough of Brooklyn. It is requested that this estimate be in alternative form; one based upon a 20-foot sidewalk, involving an increase of five feet on each side of the present roadway, and the other on a 25-foot sidewalk width as at present. It is further requested that you also give your opinion as to whether this work should be done by the Borough President, the Transit Commission or the Railroad Company, and also to advise whether or not the railroad company will consent to the reconstruction of the railroad incidental to this change.

I am directed to advise you that it is the judgment of this Board that the remodelling of the structure is a railroad purpose and that the cost thereof should be provided for from rapid transit funds. Kindly advise whether the Transit Commission concurs in this opinion."

Under date of November 23, 1923 the Secretary of this Commission, at its direction, transmitted the following communication to the President of the New York Rapid Transit Corporation:

"Removal of mall spaces, subway kiosks and ventilators on 4th Avenue, between Atlantic Avenue and 60th Street, Brooklyn."

The Board of Estimate and Apportionment has under consideration the removal of mall spaces, the subway kiosks and ventilators on 4th Avenue between Atlantic Avenue and 60th Street, Borough of Brooklyn, and it has requested the Commission for an estimate of cost for doing the work of changing the sub-

way structure to conform to this plan proposing to locate new entrances to the subway on the sidewalks of the Avenue.

The resolution of the Board of Estimate and Apportionment dated November 16, 1923, requests the Transit Commission to ascertain the attitude of your Company upon the proposed public improvement. Will you therefore be good enough to communicate to this Commission, at your earliest convenience, the attitude of your Company with respect to this matter."

In respect thereto the President of New York Rapid Transit Corporation has advised this Commission, as follows:

"Referring to your communication of November 23rd forwarding resolution of the Board of Estimate and Apportionment dated November 16th, 1923, requesting the Commission to ascertain the attitude of this company as to the removal of mall spaces, subway kiosks and ventilators on 4th Avenue between Atlantic Avenue and 60th Street in the Borough of Brooklyn:

In the absence of any definite plans showing what substitute facilities can be provided in case the construction in the street is removed, we are of course unable to definitely state our attitude.

As to stairways, etc., connecting with stations, we do not believe that anything should be done which will decrease these facilities in connection with any of the stations, and if the station entrances, etc., which are now in the middle of the street are removed to the sidewalk, facilities at least equal to those now provided should be furnished.

As to the ventilating gratings, we believe that a portion of these where the grade of the street is low and where the drainage is not very effective could be closed without seriously affecting the ventilation of the subway. As to the rest of the ventilating gratings, substitute ventilating gratings will of course have to be provided on the sidewalk.

It is our understanding that any changes like this could be made at the expense of the City without any charge under Contract No. 4, and we suggest that if the City proposes to make changes such as suggested, that plans for substitute facilities be submitted to us for our consideration."

The Chief Engineer of this Commission, in a report dated December 14, 1923, in reply to the questions propounded in the letter of your Board, has reported as follows:

"This refers to a communication from the Board of Estimate and Apportionment, dated November 16, 1923 requesting that this Commission advise them as to the approximate cost of removing the mall spaces, subway kiosks and ventilators on Fourth Avenue, Brooklyn, between Atlantic Avenue and 60th Street; in one case on the assumption that no changes will be made in the widths of the sidewalk's and in another on the assumption that the sidewalk widths will be reduced 5 feet to 20 feet.

The work to be done consists in cutting down the ventilator flues now located in the malls and roofing them over; constructing new ventilator openings, chambers, gratings and fan chambers from the side of the Broadway-Fourth Avenue Subway, and the shifting of station entrances. If no change is contemplated in the widths of the sidewalks, only the entrances of the three express stations at Pacific Street, 36th Street and 59th Street, which are now located in the Roadway, will be affected and these entrances must be moved to the sidewalk. Should the sidewalks be narrowed five feet the entrance of the six intermediate local stations also will be affected and will have to be moved a corresponding amount.

The above changes have been estimated to cost approximately:

If sidewalks are not narrowed.....	\$2 010,000
If sidewalks are narrowed five feet.....	2,560,000

These figures cover only the cost of actual subway changes and do not include the cost of street changes. The latter would be made, I presume, under a contract by the Borough President.

In the original construction ventilation was exceptionally good with gratings in malls in each block, and no fan chambers were required. This change in the ventilating grating, however, makes it necessary to provide fan chambers. On the other hand, it is only necessary to replace about two-thirds of the present grating area in order to meet our present requirements. The cost of the sixteen new fan chambers is estimated at \$264,000. This amount is included in the above estimates.

In addition to the construction costs, I would point out that the installation of the blower equipment in the fan chambers, and of louvres at the ventilation openings will cost about \$250,000. The maintenance of this equipment will, moreover, amount to \$12,000 to \$15,000 annually, representing a capital investment of \$300,000. The operating company, furthermore, will be put under additional maintenance expenses because the gratings in the sidewalks will permit considerably more drainage to come into the Subway than now enters through the present openings.

Since the proposed changes are required on account of highway conditions, it is not clear on what grounds the costs involved may be charged to Rapid Transit funds."

It will be noted that the New York Rapid Transit Corporation does not definitely state its attitude with respect to this matter in the absence of definite plans showing the proposed changes. It is the opinion of the Commission that under the legal relation of the City of New York and the railroad company of lessor and lessee, that such consent must be voluntary on the part of the railroad corporation.

The letter of your Board states that it is its judgment that such changes are for a railroad purpose and that the cost thereof should be provided for from rapid transit funds. In this conclusion the Commission does not concur. Contract No. 4 provides for the making of "Additions" which are defined to mean betterments, additions and improvements to the Railroad and Equipment and to the Existing Railroads and the equipment thereof as defined in said Contract No. 4. Article LXVIII of Contract No. 4 providing for the making of such Additions and changes, is as follows:

"The principal object of the City in making this contract is to secure for the public convenience an adequate, comfortable and rapid system of passenger transportation in the portion of New York which will be served by the Railroad and the Existing Railroads. By the foregoing provisions of the Lease the Lessee has covenanted, among other things, to operate the Railroad and the Existing Railroads carefully and skillfully, according to the highest standards of railway operation; to supply adequate equipment; to run trains so as to furnish adequate service; to use the best safety devices; to keep the Railroad and Equipment and the Existing Railroads clean, dry, well lighted, heated and ventilated; and to do other things, as hereinbefore set forth, for the convenience and accommodation of the public. These covenants on the part of the Lessee are among the principal moving considerations to the City in making this contract, and any breach thereof will entitle the City to the remedies provided in this contract. If at any time Additions to the Railroad or Equipment or to the Existing Railroads or any change in the mode of operating the Railroad or the Existing Railroads or conducting the business thereof are necessary in order to carry out the purposes of the Lease in securing service and facilities as shall be safe and adequate and in all respects just and reasonable, the Commission may direct the provision of construction of such Additions and the making of such changes in the mode of operation of the Railroad or the Existing Railroads or in the conduct of the business thereof as may be necessary to accomplish such purposes."

The existing rapid transit railroad structure under and along Fourth Avenue in the Borough of Brooklyn is in the opinion of the Commission in all respects safe and adequate so far as the needs of the travelling public who utilize such facility are concerned. The proposed change is in no way attributable to the lack of facilities or inadequacy of provisions for proper service and convenience to the users of the railroad. The element of danger which is referred to is caused solely by the vehicular traffic along Fourth Avenue which has increased very considerably since the construction of this rapid transit railroad. It has been stated that the existence of the entrances to the rapid transit railroad in the middle of Fourth Avenue necessitate intending passengers and passengers leaving the railroad to cross this very heavy and dangerous movement of vehicles in order to get to the entrances or to their homes. It has apparently been overlooked, however, that under the existing conditions, a very large number of persons desiring to use the rapid transit railroad from either side of the avenue must only cross one line of one-way vehicles. The proposed changes will necessarily therefore double the hazard since persons desiring to get to the entrances or leaving the rapid transit railroad station must to a large extent cross the full width of the street and of course encounter the two lines of vehicular traffic in opposite

directions. To this extent the Commission feels that instead of promoting the safety and convenience of the travelling public, i. e., the people who use the rapid transit line, it involves an additional risk to many of them. The cost of such work as is proposed not being for a rapid transit purpose, may not, the Commission feels, be paid for from rapid transit funds.

If there is any additional information or supplementary data that your Board desires as to this matter, the Commission will of course be glad to furnish it upon request.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1759—R. T. 7251

**Contract No. 4—Copy of Communication to New York Rapid Transit Corporation
Requesting Attitude of Company as to Ashland Place Connection—Reply
from Company—Copy of Letter Approved and Reply Ordered Filed**

A copy of the following communication was approved:

December 14, 1923.

W. S. MENDEN, Esq.,
President, NEW YORK RAPID TRANSIT CORPORATION,
85 Clinton Street,
Brooklyn, New York.

Dear Sir:

The Transit Commission desires to have for its record and as a possible basis for official action an expression of the present attitude of your company towards the project known generally as the Ashland Place Connection.

After protracted negotiations the Public Service Commission for the First District, since succeeded by this Commission, and the New York Municipal Railway Corporation, predecessor of your corporation, agreed in 1917 upon a proposed modification of Contract No. 4 providing for the connection of the Fulton Street Elevated Line with the Fourth Avenue Subway at Ashland Place and for the operation of Fulton Street trains through the Fourth Avenue-Broadway System, instead of across Brooklyn Bridge to the present terminus at the City Hall. The proposed agreement, however, failed of approval by the Board of Estimate and Apportionment and the matter was held in abeyance until after Transit Construction Commissioner Delaney succeeded to the rapid transit functions of the Public Service Commission. Commissioner Delaney worked out a modified form of agreement, different from the previous form, chiefly, in that the entire cost for the connection was to be charged to the rapid transit lines operated by the Company under Contract No. 4 and that the consideration of the Brooklyn Bridge tolls as an element was eliminated.

By this time, however, the B.R.T. System had gone into the hands of the receiver and the limited financial ability under receivership stood in the way of accomplishment. There were, apparently, no further official references to the matter until in May, 1922 when the Transit Commission in presenting its general plans for new subway construction again indicated the necessity for the Ashland Place Connection and submitted for the consideration of the city authorities and of the public certain alternative new subway routes linking central Brooklyn with Manhattan in a manner designed incidentally to fit in with the proposed connection and to accommodate Fulton Street trains. Upon the particulars of these routes and of the Commission's then recommendations, it is assumed that your company is informed. Generally speaking, however, there is no change in the situation so far as the working out of the Ashland Place Connection is concerned or so far as the proposed improvement would affect the elasticity and comfort of Brooklyn Rapid Transit Company traffic or the better accommodation and development of the great central district of the Borough.

In connection with the development of the plans for the Crosstown Line careful consideration has been given to the Ashland Place Connection with a view to its inclusion in any connection between that line and the Fourth Avenue Subway. Recently, at the joint public hearing of the Transit Commissioners and the members of the Transportation Facilities Committee of the Board of Estimate and Apportionment upon the question of the routing of the Crosstown Line west of Bedford Avenue, whether under

Lafayette Avenue or Fulton Street, there was considerable discussion of the Ashland Place Connection. This discussion led to the unequivocal statement on behalf of the representatives of the Commission and the Board of Estimate and Apportionment that they favored the construction of the connection along the lines laid down in Commissioner Delaney's proposed agreement.

In view of this indicated attitude on the part of public authorities, it is essential, in connection with the development of the new lines, that the Commission know the present attitude of your company in the matter, with particular reference to the latest form of agreement proposed in 1919, which in a sense may be considered as still pending not only before the public authorities but before your company.

The Commission will appreciate your early reply to the question submitted.

Very truly yours,
LEROY T. HARKNESS,
Commissioner.

The following reply was ordered filed:

NEW YORK RAPID TRANSIT CORPORATION
85 Clinton Street, Brooklyn, New York

December 17, 1923.

W. S. MENDEN,
President.

Ashland Place Connection.

TRANSIT COMMISSION,
Mr. JAMES B. WALKER,
Secretary,
49 Lafayette Street,
New York City, N. Y.
Dear Sir:

We have the letter of Commissioner Harkness under date of December 14, 1923, in which he advises us that the Commission desires to have for its record and as a possible basis for official action an expression of the present attitude of this Company toward the proposed Ashland Place Connection, with particular reference to the forms of tentative agreements worked out by former Commissioner Delaney for this improvement and for a revision in respect of bridge tolls of the contract under which elevated trains are operated upon the Brooklyn Bridge. In reply, we are pleased to advise that this Company is entirely willing to sign these agreements, with such changes therein as may be necessary to adopt them to the identity of this Company as one of the parties, as soon as it has definite assurance through appropriation of the necessary moneys and award of construction contracts or in some other satisfactory manner that the City will promptly proceed with the construction and completion of the 14th Street-Eastern Line and the Nassau Street Branch of the Broadway-Fourth Avenue Line, both of which are included among the lines required to be built by the City under the existing contract.

As the people of Brooklyn are so vitally interested in the Ashland Place Connection it is appropriate that we should state briefly some of the problems involved in this improvement and the reasons why its construction and operation must necessarily be made conditional upon the construction and completion of the 14th Street Line and the Nassau Street Branch.

It is estimated that in case this improvement is provided the ultimate minimum cost to the Company will be \$5,000,000 for construction and equipment, which includes 100 additional steel subway cars. This is in addition to the cost to the City of constructing a short section of subway, the incline to connect with the Fulton Street Elevated Line tracks, and the incidental cost of real estate. It is apparent, therefore, that this additional expense should not be incurred unless the improvement can be provided under conditions which will afford real transit relief and not merely intensify the existing traffic congestion at DeKalb Avenue Station.

The six tracks at DeKalb Avenue Station are the heart of the rapid transit system of the Company in Brooklyn and the proposed Ashland Place Connection will be made directly to this group of tracks. At the present time five lines with sixteen tracks radiate south and east in Brooklyn and serve great and growing communities. Passengers originating on the e lines and carried to points in downtown Brooklyn and Manhattan, with the possible exception of Culver Line passengers en route to Park Row, pass through or transfer at DeKalb Avenue Station. This station has only two plat-

forms and six tracks, two of which are through tracks having no platform facilities, and the station is today inadequate for the existing traffic. Because of these limited facilities and because of the dead end at Chambers Street in Manhattan, due to the failure of the City to construct the Nassau Street Branch, the Company is unable to operate more than 60 trains per hour through the DeKalb Avenue Station in rush hours period when it would be possible, if the Nassau Street Branch were constructed, to operate at least 90 trains per hour.

The reasons for the congestion on the DeKalb Avenue Station are apparent. Sixteen tracks now feed into the six tracks at this station directly or indirectly from Brooklyn and there are only four tracks of the six to Manhattan in use. Traffic on these tracks is constantly increasing and the facilities at this station are at present inadequate. Two of these outlet tracks pass through Willoughby Street via the Montague Street Tunnel, Whitehall and Church Streets to the Broadway Subway in Manhattan and four tracks pass over the Manhattan Bridge, two going through the Canal Street station to the connection with the Broadway Subway and two joining the Centre Street Loop and terminating at the Chambers Street Station. The contract with the City provided that the two tracks joining the Centre Street Loop, instead of terminating and forming a dead end at the Chambers Street Station, should continue down Nassau and Broad Streets to a connection with the Whitehall-Montague Street Tunnel with the extra tracks in Broad Street for a terminal. This was an integral part of the system planned in 1913 to provide for double loop operation by way of the Manhattan Bridge and the Montague Street Tunnel. Its absence today constitutes a serious limitation on the capacity of the lines already built and in operation. It renders practically useless the two southerly tracks on the Manhattan Bridge and by limiting the number of trains through the DeKalb Avenue Station makes it impossible to use the six tracks at this Station to their capacity.

It would intensify the existing congestion to attempt to route additional trains by way of the Ashland Place Connection into the DeKalb Avenue Station, and it is apparent that this connection should not be provided unless at the same time more outlets are provided through the construction of the Nassau Street Branch as contemplated by the contract with the City. The construction and operation of this Branch would permit of the use of the two southerly tracks on the Manhattan Bridge, and in this way increase by approximately 50% the capacity of the group of tracks at DeKalb Avenue Station.

The southerly pair of tracks on the Manhattan Bridge connect with Chambers Street and these cannot be used for trains through DeKalb Avenue Station until Chambers Street Station and connecting tracks are relieved of trains from Ridgewood and eastern district in Brooklyn which cannot be done until the 14th Street-Eastern Line is ready for operation.

In view of the above there would seem to be no justification for constructing the Ashland Place connection until such time as definite provisions are made for completing the 14th Street-Eastern Line and constructing the Nassau Street Branch.

We desire in this connection to note that if the Ashland Place Connection is made and trains of the Fulton Street Line are operated into the DeKalb Avenue group of tracks together with trains from the other connecting lines in South Brooklyn, these six tracks at DeKalb Avenue will soon be insufficient for the traffic of all the connecting lines and that additional outlet will be necessary. This is a phase of the situation which we understand has already been discussed by the Transit Commission or its predecessors, and we think we are justified in assuming it will be given serious consideration.

Very truly yours,
W. S. MENDEN,
President,
N. Y. RAPID TRANSIT CORP.

1760—R. T. 6896

Route No. 8, Section No. 6—Copy of Communication to New York Rapid Transit Corporation Requesting Attitude of Company as to Substitution of Subway for Elevated Extension of Fourteenth Street-Eastern Line—Reply from Company—Copy of Letter Approved and Reply Ordered Filed

A copy of the following communication was approved:

December 14, 1923.

W. S. MENDEN, Esq.,
President, NEW YORK RAPID TRANSIT CORPORATION,
85 Clinton Street,
Brooklyn, New York.

Dear Sir:

Under date of July 6, 1921, the Transit Commission addressed the following communication to Honorable Lindley M. Garrison, Receiver of the New York Municipal Railway Corporation, with regard to the suggested substitution of subway for elevated construction of the extension of the Fourteenth Street-Eastern Rapid Transit Railroad:

"Certain civic associations and property owners along the line of the 14th Street-Eastern Rapid Transit Railroad have suggested to the Commission the construction of a subway instead of an elevated railroad for that portion of the line now planned for elevated construction.

"I am directed by the Commission to make inquiry of the New York Municipal Railway Corporation and its Receiver as to whether they would approve a modification of Contract No. 4 to accord with such a change, in the event the Transit Commission would approve it?

"An early reply will be appreciated."

Under date of July 11, 1921, Receiver Garrison replied to the above communication as follows:

"This is to acknowledge receipt of your letter of July 6th, in which you make inquiry of the New York Municipal and its Receiver as to whether or not they would approve a modification of Contract No. 4 to accord with a change in construction suggested by certain civic associations and property owners along the line of the 14th Street-Eastern Rapid Transit Railroad, the suggestion being that the construction be a subway instead of an elevated line for that part now planned for elevated construction.

"The work of reconstructing the 'Existing Railroads' at East New York and the work of third tracking the Myrtle Avenue Line between Wyckoff Avenue and Broadway has been completed by the company, and the construction at East New York is completed and ready for connection with an elevated line to permit of connecting the Canarsie Line with the 14th Street-Eastern Line to be constructed by the City, and the third tracking of the Myrtle Avenue Line was done with a view to accommodating considerable transfer traffic between Myrtle Avenue Line and the 14th Street-Eastern Line at the point of intersection of the Myrtle Avenue Line with the 14th Street Line, all on the assumption that the 14th Street-Eastern Line would be an elevated line at Myrtle Avenue.

"For these reasons, and for the additional reason that the substitution of subway construction would necessarily result in a further delay in the completion of the line for operation, it does not seem to me that I, as Receiver, would be justified in consenting to any modification in Contract No. 4, such as suggested by the civic associations."

Following this correspondence the Commission advertised a contract for the first part of the Fourteenth Street Extension on plans involving the construction of an elevated railroad in accordance with the provisions of Contract No. 4. Upon receipt of the bids the Commission awarded the contract, subject to the approval of the Board of Estimate and Apportionment, and transmitted the proposed contract to that Board with the request for its consent and the appropriation of the necessary funds. Whereupon the Board of Estimate and Apportionment refused to consent to the proposed contract and stated that it would approve a contract calling for the construction of a subway instead of an elevated railroad.

As the Board of Estimate and Apportionment refused to approve a contract for an elevated structure and the Receiver of the New York Municipal Railway Corporation

[December 18, 1923]

refused to consent to any change in operating Contract No. 4 so as to waive the company's contractual right to the construction of an elevated structure, the matter came to an *impasse* which has prevented the Commission from taking any action.

The Commission looks upon the prompt completion of the Fourteenth Street-Eastern Line as one of the most vital transit improvements it has before it. The intolerable congestion of the lines entering Center Street Loop and the really dangerous conditions at the Canal Street Station, which can only adequately be met by the full operation of the Fourteenth Street Line, imperatively call for the adjustment of differences and the starting of the work on the extension at the earliest possible moment.

As the receivership of the rapid transit lines operated by your company has terminated and a sufficient time has elapsed for the new management to consider these problems, the Commission would be obliged if you would promptly inform it of the attitude of the present administration of your company toward the further modification of the route approved by the city authorities and the substitution under such modification of subway for elevated construction for the part of the Fourteenth Street Extension to the point where a connection must necessarily be made with the existing lines at East New York.

A prompt reply to this inquiry will be appreciated.

Yours very truly,
JAMES B. WALKER,
Secretary.

The following reply was ordered filed:

NEW YORK RAPID TRANSIT CORPORATION
85 Clinton Street
Brooklyn, New York

W. S. MENDEN,
President.

December 17, 1923.

14th Street-Eastern Line.

TRANSIT COMMISSION,
Mr. JAMES B. WALKER,
Secretary,
49 Lafayette Street,
New York City, N. Y.

Dear Sir:

We have your communication of December 14, 1923, in which you say the Commission looks upon the prompt completion of the 14th Street-Eastern Line as one of the most vital transit improvements it has before it and would be obliged for a statement of the attitude of the present management of this Company toward the further modification of the route approved by the City authorities and the substitution under such modification of subway for elevated construction for the eastern portion of this line to the point where a connection must necessarily be made with the existing lines at East New York. Other public bodies and civic organizations have requested us to consent to the modification of the contract with the city so as to provide for the substitution of a subway for the portion of this line which the contract requires to be constructed as an elevated railroad.

The contract with the city was signed on March 19, 1913. Under this contract the city agreed to construct the 14th Street-Eastern Line partly as a subway and partly as an elevated line, but although more than ten years have elapsed since the contract was signed the line has not been completed and construction of the elevated portion has not been commenced. The present management of this Company is thoroughly in accord with the views of the Commission that the prompt completion of this line is one of the most vital improvements in the existing transit situation, particularly because of the remedial effect its operation will have upon the existing congestion of the lines in the Centre Street Loop and conditions at the Canal Street Station (resulting from not having the 14th Street Line in operation to East New York) and as the public requests for the substitution of subway for elevated construction evidently expresses the public need, we are pleased to advise you that the Company will consent to such modification of the contract as may be necessary to effect this substitution provided its present legal rights and claims are adequately preserved and provided the subway is constructed under plans which will connect it with the existing structures at East New York.

In this connection it should be pointed out that approximately \$500,000 was expended by the Company several years ago under the contract as it now stands, in anticipation of the early construction of the 14th Street Line, in third-tracking Myrtle Avenue elevated line, and in the construction of an express station at Wyckoff Avenue to connect with the 14th Street-Eastern Line. This expenditure will be wasted unless facilities are provided for the convenient transfer of passengers between the 14th Street-Eastern Line and the Myrtle Avenue Line at this point. It should be understood, therefore, in case the contract is modified so as to provide for the substitution of subway for elevated construction, that the city will provide suitable and adequate facilities for the transfer of passengers between the subway and elevated lines at Myrtle and Wyckoff Avenues, in order that the third track and station facilities already provided by the Company may be utilized.

Very truly yours,
W. S. MENDEN,
President,
N. Y. RAPID TRANSIT CORP.

1761—R. T. 6924

Routes Nos. 4 & 38, Section No. 4—Application by Marjohn Realty Corporation and Others for Approval of Proposed Permit for Substitution of Ventilator Gratings in Front of the Premises on Easterly Side of Seventh Avenue North of Perry Street, Borough of Manhattan—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Marjohn Realty Corporation and others dated October 1, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company for permission to substitute a heavier type of ventilator grating in front of the premises on the easterly side of Seventh Avenue, about 70 feet north of Perry Street, Borough of Manhattan.

A report was presented from the Chief Engineer dated December 13, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, The Interborough Rapid Transit Company has submitted for the consent and approval of this Commission a proposed permit dated October 1, 1923 to Marjohn Realty Corporation, Long Beach Operators Corporation and McKone Tire & Rubber Company of New York, the owners and tenant respectively, of premises located on the easterly side of Seventh Avenue about 70 feet north of Perry Street, for the substitution by and at the expense of said owners and tenant of a heavier type of ventilator grating in place of the ventilator gratings now in front of the said premises, upon terms and conditions in said permit more particularly set forth; and

Whereas, The Chief Engineer of the Commission, by communication dated December 13, 1923, has advised that said permit has been examined and found to be satisfactory from an engineering standpoint; and

Whereas, Counsel has examined said permit and finds no objection thereto,

Resolved, That the Commission approve the proposed permit dated October 1, 1923 from the Interborough Rapid Transit Company to Marjohn Realty Corporation, Long Beach Operators Corporation and McKone Tire and Rubber Company of New York, the owners and tenant, respectively, of the premises located on the easterly side of Seventh Avenue about 70 feet north of Perry Street, in the Borough of Manhattan, for the substitution by and at the expense of the said owners and tenant of a heavier type of ventilator grating in front of the said premises, upon the terms and conditions in said permit more particularly set forth.

Further Resolved, That the Chairman and Secretary of the Commission be and they are hereby authorized and directed to endorse the consent and approval of the Commission upon said permit.

1762—R. T. 6924

Route No. 29—Application by Abraham Levitt for Approval of Proposed Permit to Wolcott Holding Corporation for Substitution of Ventilator Gratings in Front of the Premises at the Southwest Corner of Nostrand Avenue and Montgomery Street, Brooklyn—Report by Chief Engineer Recommending Approval—Approval Resolution

An application was presented from Abraham Levitt, dated December 6, 1923, requesting approval of a proposed permit issued by the Interborough Rapid Transit Company to the Wolcott Holding Corporation for permission to substitute a heavier type of ventilating grating in front of the premises at the southwest corner of Nostrand Avenue and Montgomery Street, Borough of Brooklyn.

A report was presented from the Chief Engineer dated December 10, 1923, recommending the application be approved.

The following resolution was adopted:

Whereas, By communication dated December 6, 1923 Abraham Levitt has submitted to this Commission for its approval, a proposed permit dated November 15, 1923, proposed to be issued by Interborough Rapid Transit Company to Wolcott Holding Corporation and granting the right to remove certain sections of the ventilator gratings of the municipal rapid transit railroad extending under and along Nostrand Avenue in the Borough of Brooklyn, in front of the premises at the southwest corner of Nostrand Avenue and Montgomery Street in said borough and to substitute therefor a heavier type of grating in connection with providing two driveways across the sidewalk to a garage upon the said premises; and

Whereas, The Chief Engineer of this Commission by communication dated December 10, 1923 has reported that the said proposed permit has been examined and found satisfactory from an engineering standpoint and recommends that it be approved; and

Whereas, Counsel to the Commission has examined said proposed permit and finds no objection thereto.

Resolved, That the said proposed permit so submitted be and the same hereby is approved, and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute the form of approval of this Commission made part of said proposed permit.

1763—R. T. 4010

Route No. 26—Communication from Mandel-Ehrich Corporation Requesting Approval of Abandonment of Subway Entrance at 156-158 East 42nd Street, Borough of Manhattan—Report by Chief Engineer Recommending Matter Be Deferred—Reply Denying Application

A communication was presented from Mandel-Ehrich Corporation dated November 16, 1923, requesting that the subway entrance at the Grand Central Station of the Steinway Tunnel Line through the premises at No. 156-158 West 42nd Street, Borough of Manhattan, be abandoned as the stairway is of little importance to traffic.

A report was presented from the Chief Engineer dated December 8, 1923, recommending that the matter of abandoning the entrance be deferred until the Fifth Avenue Station is open for traffic.

Upon motion duly seconded and adopted the application was denied and the Secretary was directed to advise the applicant.

1764—R. T. 7109

Extensions Certificate—Application by Interborough Rapid Transit Company for Approval of Lease of Store and Basement at No. 2361 Third Avenue, Borough of Manhattan—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated November 2, 1923, requesting approval of a proposed lease to Unit Electric Company, Inc., of the store and basement at No. 2361 Third Avenue, Borough of Manhattan, for a term of three years from December 1, 1923, at an annual rental of \$1500.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated December 14, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by application dated November 2, 1923 has requested the approval of this Commission as follows:

The Interborough Rapid Transit Company requests approval to lease to Unit Electric Company, Inc., the store and basement at 2361 Third Avenue, Manhattan, for a term of three years from December 1st, 1923, at an annual rental of \$1,500.00; the tenant to make all necessary repairs at its own cost and expense.

Dated, November 2nd, 1923.

INTERBOROUGH RAPID TRANSIT COMPANY,
By FRANK HEDLEY,
President & General Manager.

which application has been caused to be designated "Approval No. 510"; and

Whereas, Said application has been approved by the Real Estate Clerk; and

Whereas, By communication dated December 14, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported that no developments are contemplated which will require the use of said property for the Operation of the railroad and that it is not so used now; that the rental payable under this lease will be credited to the revenue of the Manhattan Division of the Interborough lines and recommend the approval of the application so submitted.

Resolved, That the said application of Interborough Rapid Transit Company as aforesaid be and the same hereby is approved and that the Chairman of this Commission be and he hereby is authorized and directed to execute the form of approval of this Commission made part of said application.

1765—R. T. 6449

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Sale of Property at Northwesterly Corner of Avenue "U" and West Seventh Street, Borough of Brooklyn—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated November 21, 1923, requesting approval of the sale of the property at the northwesterly corner of Avenue "U" and West Seventh Street, Borough of Brooklyn, to the Knickerbocker Associates, Inc., for the selling price of \$7,500.

A report was presented from the Real Estate Clerk dated December 10, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, J. H. Bennington, Real Estate & Tax Agent for the New York Rapid Transit Corporation, under date of November 21, 1923, has made application to the

Commission for approval of a contract for the sale by it to Knickerbocker Associates, Inc., of certain vacant land originally acquired for purposes of the reconstruction of the Sea Beach Line, at the northwesterly corner of West 7th Street and Avenue U, in the Borough of Brooklyn, the selling price to be \$7,500, payable \$750 on the signing of the contract, \$2,250 on the delivery of the deed, the balance to be covered by a purchase money bond and mortgage in the amount of \$4,500, payable on or before three years with interest thereon at the rate of 6% per annum, and upon certain other terms contained in the form of said contract; and

Whereas, The Real Estate Clerk, under date of December 10, 1923, has reported that the assessed valuation of the said property is 3,600, that the value is approximately double the assessed valuation and that the proposed sale price of \$7,500 is fair, recommending that the proposed contract be approved, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, approve the said contract for the sale of said property, and that the Secretary be, and he hereby is, authorized and directed to transmit a copy of this resolution to the said J. H. Bennington.

1766—R. T. 7406

Route No. 39, Section No. 2—Report by Chief Engineer Recommending that He Be Authorized to Prepare Plans and Contract for Repairing Leaks in Mezzanine Roofs of West End Line—Approved

A report was presented from the Chief Engineer dated December 11, 1923, recommending that he be authorized to prepare plans and contract for repairing the leaks in the mezzanine roofs of the West End Line—Route No. 39, Section No. 2, for the purpose of advertising for bids for the work.

Upon motion duly seconded and adopted, the report was approved.

1767—R. T. 7177

Routes Nos. 36 & 37—Copy of Notice to Queens Subway Apartment and Loft Building Corporation with Respect to Removal of Fill on City-owned Site for Proposed Corona Storage Yard—Approved and Ordered Filed

A copy of the following notice was approved and ordered filed:

December 15, 1923.

Mr. N. G. DEGNON, Treasurer,
QUEENS SUBWAY APARTMENT & LOFT BLDG., CORPN.,
50 East 42nd Street,
New York City.

Dear Sir:

In a letter dated November 13, 1923, concerning the removal of excess fill from the site of the Corona Car Storage Yard, you, as successor to the Degnon Realty & Terminal Improvement Co., were notified that, in accordance with our information, the time specified by the court for this work had expired on Nov. 1, 1923. In view of your continued occupancy of the premises you were requested to take up with Counsel to the Commission, before December 1, 1923, arrangements necessary for such occupancy. This you have failed to do, and it is, therefore, necessary to urge your compliance with the previous request at the earliest moment possible. If this is not done in a few days, I am advised that it will be necessary for Counsel to take some action.

Very truly yours,
JAMES B. WALKER,
Secretary.

1768—R. T. 6080

Contract No. 3—Application by Daly Brothers Company for Permission to Continue in Occupancy of Premises on Northerly Side of West 145th Street Between Lenox Avenue and Harlem River, Borough of Manhattan—Report by Real Estate Clerk Recommending Approval—Approval Resolution

An application was presented from Daly Brothers Company, dated December 15, 1923, requesting permission to continue in occupancy of the premises on the northerly side of West 145th Street between Lenox Avenue and Harlem River, Borough of Manhattan, agreeing to surrender all right, title and interest to the buildings, etc., constructed under the original concession, which was terminated by resolution adopted on October 11, 1923, and agreeing to pay a rental of \$5.00 per month beginning November 1, 1923.

A report was presented from the Real Estate Clerk, dated December 17, 1923, recommending that the application be approved.

The following resolution was adopted:

Whereas, Daly Brothers Company by application dated December 15, 1923, has requested permission to continue in occupancy of a portion of the premises included in the concession originally occupied by it prior to November 1, 1923, on the northerly side of West 145th Street, between Lenox Avenue and the Harlem River, Borough of Manhattan, agreeing to surrender to The City of New York all right, title and interest to the buildings, sheds, water, gas and electric supply lines, constructed or owned by it on its original concession prior to November 1, 1923, and to pay a rental of \$5.00 per month beginning as of that date, to vacate the premises on thirty (30) days' notice and to other conditions similar to those contained in like applications; and

Whereas, The Real Estate Clerk, under date of December 17, 1923, has reported upon this application stating that the cancelling of the original rental agreement with Daly Brothers Company and the terms of the present application of Daly Brothers Company have made possible an increase of rental from \$200.00 per month to \$440.00 per month beginning November 1, 1923, and to \$505.00 per month beginning July 1, 1924, recommending that the application be approved, in which recommendation Counsel has concurred:

Resolved, That the Commission do, and it hereby does, approve the said application of Daly Brothers Company, and that the Secretary be, and he hereby is, authorized and directed to subscribe the approval of the Commission on said application.

1769—R. T. 6080

Route No. 8—Report by Real Estate Clerk Advising of Abandonment of Concession by Gordon & Freedman of Portion of Pier at Foot of North Seventh Street, Borough of Brooklyn—Resolution Terminating Concession

A report was presented from the Real Estate Clerk dated December 17, 1923, advising of the abandonment of the concession held by Gordon & Freedman, of a portion of a pier at the foot of North Seventh Street, Borough of Brooklyn, as of November 15, 1923, by reason of the operations of subway contractors making the premises untenable.

The following resolution was adopted:

Whereas, The Real Estate Clerk, under date of December 17, 1923, has reported that Gordon & Freedman, a partnership, which by virtue of an application dated March 16, 1922, duly approved by the Commission on March 21, 1922, became a tenant in occupancy of a portion of the partially wrecked pier at the foot of North 7th Street, Borough of Brooklyn, on April 16, 1922, at a rental of \$100.00 per month, and that by reason of the operations of subway contractors the pier became practically un-

tenantable for Gordon & Freedman around November 1, 1923, and that Gordon & Freedman has paid rental up to and including November 15, 1923, recommending that occupancy by Gordon & Freedman be deemed to have been abandoned as of November 15, 1923, in which recommendation Counsel has concurred;

Resolved, That the Commission do, and it hereby does, terminate the concession of Gordon & Freedman at the above location effective as of November 15, 1923, without prejudice, however, to the right of Gordon & Freedman to remove personal property blocked off or covered by subway contractors' or City owned materials as soon as such removal may be possible without the Commission or the City assuming any liability for the safety thereof.

1770—Case 1587

New York Dock Railway—Issue of Stock—Extension Order Adopted

The Secretary presented a petition, dated December 10, 1923, of the New York Dock Railway, asking for an extension of time to December 31, 1924, in which to issue the stock authorized by the Order in Case No. 1587, adopted March 28, 1913.

Thereupon the Commission adopted and ordered filed an Order in Case No. 1587, granting an extension of time to March 31, 1924.

1771—Case 2601

New York Railways Company and the Ninth Avenue Railroad Company—Complaint of S. M. Jackson Jacobs as to Refusal to Issue Transfers at 53rd Street and Seventh Avenue—Letter from Counsel Transmitting Check of Receiver of New York Railways Company for Costs—Check Authorized Transmitted to State Comptroller

The Secretary presented a communication, dated December 14, 1923, from Counsel to the Commission, transmitting check for \$231.63 of the Receiver of the New York Railways Company, representing costs and disbursements on appeal in the above entitled matter and recommending transmittal of check to the State Comptroller.

Thereupon the Auditor of the Commission was authorized to transmit said check to the State Comptroller.

1772

Board of Estimate and Apportionment—Certified Copy of Resolution Adopted by Board Requesting Commission to Direct Repair of Street Surface Railroad Tracks in Manhattan—Referred to Acting Chief Executive Officer

The Secretary presented a certified copy of Resolution adopted by the Board of Estimate and Apportionment on November 23, 1923, requesting the Commission to issue orders to railroad companies requiring the repair of tracks in Manhattan.

Thereupon the above mentioned resolution was referred to the Acting Chief Executive Officer.

1773

Brooklyn City Railroad Company et al.—Operation of Nostrand Avenue Line from Kings Highway to Avenue U—Complaints of Brooklyn Chamber of Commerce and Nathan D. Shapiro—Referred to Counsel

The Secretary presented a report, dated November 7, 1923, by R. R. Monroe, Assistant Counsel, with respect to the complaints of the Brooklyn Chamber of Commerce and Nathan D. Shapiro, Esq., representing property owners, requesting the

Commission to compel the resumption of service on the Nostrand Avenue Line from Kings Highway to Avenue U, together with a report, dated December 10, 1923, by George L. Lucas, Acting Chief Executive Officer, relative to the matter.

Thereupon the above mentioned papers were referred to Counsel to the Commission.

1774—Case 2704

Manhattan Railway Company and Interborough Rapid Transit Company—42nd Street Spur—Report by Chief of Transit Bureau of Discontinuance of Operation—Filed

The Secretary presented a report, dated December 7, 1923, by George F. Daggett, Chief of Transit Bureau, advising that at midnight on December 6, 1923, the Interborough Rapid Transit Company discontinued operation of the shuttle on the 42nd Street spur of the Third Avenue Elevated Line.

Thereupon the above mentioned report was ordered filed.

1775—R. T. 7645

Agreement "CS"—Certified Copy of Resolution of Board of Estimate and Apportionment Amending Resolution of November 16, 1923, Approving Contract for Construction of Duct Line at 239th Street Yard—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 7, 1923, was ordered filed:

(Cal. No. 110)

Resolved, That the resolution adopted by the Board of Estimate and Apportionment on November 16, 1923 (Cal. No. 96), be *amended* so that the concluding five lines of said resolution would read as follows:

"said issue of corporate stock to be charged as a subauthorization from the general appropriation of \$28,200,000 of corporate stock made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations of corporate stock subsequently made thereto for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3."

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1776—R. T. 7702

Route No. 52, Section No. 2—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Jobson-Gifford Company for Furnishing and Erecting Structural Steel and Authorizing Appropriation of \$443,239.—Communication from Acting Incorporating Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Papers and Contract Ordered Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 26, 1923, was ordered filed:

(Cal. No. 27)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 7, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with the Jobson-Gifford Company for furnishing and erecting structural steel for part of the Flushing Line, Route No. 52, Section No. 2, at an estimated cost of four hundred and forty-three thousand two hundred and thirty-nine dollars (\$443,239), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be four hundred and forty-three thousand two hundred and thirty-nine dollars (\$443,239); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission dated November 7, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding four hundred and forty-three thousand two hundred and thirty-nine dollars (\$443,239), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 26, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication from Arthur J. W. Hilly, Acting Corporation Counsel, dated December 10, 1923, returning the above-mentioned contract, approved as to form, was also ordered filed.

An original contract dated December 18, 1923, between the City of New York, acting by the Transit Commission, and Jobson-Gifford Company, which contract was executed on behalf of both parties and delivered on December 18, 1923, was also ordered filed.

1777—R. T. 7701

Route No. 18—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Proposed Contract for Installation of Tracks, etc., in 180th Street Yard and Authorizing Appropriation of \$16,000.—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Papers and Contract Ordered Filed.

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on November 26, 1923, was ordered filed:

(Cal. No. 28.)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 7, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with McElroy & Kerwin for the installation of tracks in the 180th street yard, White Plains Road Line, Route No. 18, at an estimated cost of sixteen thousand dollars (\$16,000) without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be sixteen thousand dollars (\$16,000); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891 as amended, the provisions of section 45 of the Greater New York Charter and the requisition of the Transit Commission dated November 7, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding sixteen thousand dollars (\$16,000) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract, said issue of corporate stock to be in addition to the general appropriation of

twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, November 26, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated December 10, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract approved as to form, was also ordered filed.

An original contract dated December 15, 1923, between the Transit Commission and McElroy & Kerwin, which contract had been executed on behalf of both parties, and delivered on December 17, 1923, was also ordered filed.

1778—R. T. 7684

Agreement "CO"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Frank Persicano for Miscellaneous Drainage and Sewer Construction and Authorizing Appropriation of \$17,700—Communication from Acting Corporation Counsel Returning Contract Approved as to Form—Statement as to Execution and Delivery of Original Contract—Papers and Contract Ordered Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 7, 1923, was ordered filed:

(Cal. No. 40.)

Resolved, That, pursuant to the requisitions of the Transit Commission to this Board, dated September 12 and 28, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with Frank Persicano, for miscellaneous drainage and sewer construction in the Boroughs of Manhattan, Brooklyn and Queens, City of New York (Agreement "CO") in Municipal Rapid Transit Railroads, at an estimated cost of sixteen thousand five hundred and seventy-nine dollars (\$16,579), and to additional work in connection therewith at an estimated cost of eleven hundred and twenty-one dollars (\$1,121), being a total estimated cost of seventeen thousand seven hundred dollars (\$17,700), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be seventeen thousand seven hundred dollars (\$17,700); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding seventeen thousand seven hundred dollars (\$17,700), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract and said additional work; said issue of corporate stock to be charged to the extent of sixteen thousand nine hundred and sixty dollars (\$16,960) as a subauthorization against the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3, and to the extent of seven hundred and forty dollars (\$740), as a subauthorization against the general appropriation of sixty million dollars (\$60,000,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

A communication dated November 28, 1923, from Arthur J. W. Hilly, Acting Corporation Counsel, returning the above mentioned contract, approved as to form, was also ordered filed.

An original contract between The City of New York, acting by the Transit Commission, and Frank Persicano dated December 12, 1923, which contract had been executed on behalf of both parties and delivered on December 13, 1923, was also ordered filed.

1779—R. T. 6423

Contract No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$750,000 for Interest—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 7, 1923, was ordered filed:

(Cal. No. 333-A)

Whereas, The Transit Commission, under date of October 25, 1923, made formal requisition upon the Board of Estimate and Apportionment for an appropriation of seven hundred and fifty thousand dollars (\$750,000) from the general debt-incurring power of the City, to be provided by issue of corporate stock, for the purpose of meeting the interest charges on corporate stock and corporate stock notes issued and which will be issued to provide funds wherewith to meet the City's commitments under Rapid Transit Contract No. 3; therefore be it

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891 as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission dated October 25, 1923, and without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, the Comptroller be and he is hereby authorized and requested to issue corporate stock of The City of New York to the amount of seven hundred and fifty thousand dollars (\$750,000), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe; the proceeds to the amount of the par value thereof to be applied to the purposes specified in said requisition in respect of the contract known as Contract No. 3 between The City of New York, acting by the Public Service Commission for the First District, and the Interborough Rapid Transit Company; said appropriation of seven hundred and fifty thousand dollars (\$750,000) of corporate stock from the general debt-incurring power of the City being stated in said requisition of the Transit Commission as being required to meet the interest charges on bonds and notes issued and to be issued by the City to provide funds for the purpose of carrying out the City's obligations under the contract known as Contract No. 3; and said authorization is in addition to the appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) of corporate stock authorized on March 18, 1913, and the supplemental general appropriations subsequently made thereto by the City in respect of Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1780—R. T. 6424

Contract No. 4—Certified Copy of Resolution of Board of Estimate and Apportionment—Authorizing Appropriation of \$1,000,000 for Interest—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 7, 1923, was ordered filed:

(Cal. No. 333-B)

Whereas, The Transit Commission, under date of October 25, 1923, made formal requisition upon the Board of Estimate and Apportionment for an appropriation of one million dollars (\$1,000,000) from the general debt-incurring power of the City to be provided by the issue of corporate stock for the purpose of meeting the interest charges

on corporate stock and corporate stock notes issued and which will be issued to provide funds wherewith to meet the City's commitments under Rapid Transit Contract No. 4; therefore be it

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891 as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission dated October 25, 1923, and without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, the Comptroller be and he is hereby authorized and requested to issue corporate stock of The City of New York to the amount of one million dollars (\$1,000,000), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe; the proceeds to the amount of the par value thereof to be applied to the purposes specified in said requisition in respect of the contract known as Contract No. 4 between The City of New York, acting by the Public Service Commission for the First District, and the New York Municipal Railway Corporation; said appropriation of one million dollars (\$1,000,000) of corporate stock from the general debt-incurring power of the City being stated in said requisition of the Transit Commission as being required to meet the interest charges on bonds and notes issued and to be issued by the City to provide funds for the purpose of carrying out the City's obligations under the contract known as Contract No. 4; and said authorization is in addition to the appropriation of sixty million dollars (\$60,000,000) of corporate stock authorized on March 18, 1913, and the supplemental general appropriations subsequently made thereto by the City in respect of Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1781—R. T. 6080

Route No. 39—Report by Real Estate Clerk Advising of Surrender of Concession by John E. Wenzel, Inc., of Premises on Easterly Side of New Utrecht Avenue, South of 81st Street, Borough of Brooklyn—Filed

The Commission ordered filed, a report by the Real Estate Clerk, dated December 17, 1923, advising of the surrender of the concession held by John E. Wenzel, Inc., on the easterly side of New Utrecht Avenue, south of 81st Street, Borough of Brooklyn, as of December 31, 1923.

1782—R. T. 7603

Route No. 52, Section No. 3—Consents of Sureties to Assignment by Contractor to Equitable Trust Company of Sum of \$75,224.28—Filed

The Commission ordered filed consents of sureties upon the bond deposited by the contractor to an assignment by the Oakdale Contracting Company, Inc., to the Equitable Trust Company of the sum of \$75,224.28 of moneys due or to grow due under the contract for the construction of Section No. 3 of Route No. 52, Flushing Line.

1783—R. T. 7702

Route No. 52, Section No. 2—Notice by Chief Engineer of Commencement of Work for Construction of Column Foundations—Filed

The Commission ordered filed a notice from the Chief Engineer dated December 11, 1923, advising of the commencement of work by the Gotham Construction Corporation on November 28, 1923 for the construction of column foundations on Section No. 2, Route No. 52, Flushing Line.

1784

Fees Received During November, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of November, 1923, fees, etc., to the amount of \$71.86 and refunds of rental from rapid transit real estate to the amount of \$3,801.56 had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$71.86 to be accredited to the General Fund of The City of New York and the sum of \$3,801.56 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

1785

Employees' Calendar No. 180

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Morris Bass, draftsman, at \$175.08 per month, to take effect December 21, 1923; Sidney R. Brown, draftsman, at \$175.08 per month, to take effect December 21, 1923; Daniel C. Corwin, draftsman, at \$175.08 per month, to take effect December 21, 1923; Hyman Cranberg, draftsman, at \$175.08 per month, to take effect December 21, 1923; Juan A. Delgado, draftsman, at \$175.08 per month, to take effect December 21, 1923; Stanley DuBuske, draftsman, at \$175.08 per month, to take effect December 21, 1923; Samuel Fox, draftsman, at \$175.08 per month, to take effect December 21, 1923; Eli Frankle, draftsman, at \$175.08 per month, to take effect December 21, 1923; Samuel N. Gerson, draftsman, at \$175.08 per month, to take effect December 21, 1923; Abraham Josefson, draftsman, at \$175.08 per month, to take effect December 21, 1923; Louis S. Kirjassoff, draftsman, at \$175.08 per month, to take effect December 21, 1923; Irving H. Lembeck, draftsman, at \$175.08 per month, to take effect December 21, 1923; William R. Nugent, draftsman, at \$175.08 per month, to take effect December 21, 1923; William A. O'Leary, draftsman, at \$175.08 per month, to take effect December 21, 1923; Reuben Rubin, draftsman, at \$175.08 per month, to take effect December 21, 1923; James E. Sampson, draftsman, at \$175.08 per month, to take effect December 21, 1923; Samuel Steinfeld, draftsman, at \$175.08 per month, to take effect December 21, 1923; Francis J. Weber, draftsman, at \$175.08 per month, to take effect December 21, 1923.

Appointments under Rule VIII:4—Elvin J. Andrews, junior assistant, at \$125.08 per month, to take effect December 17, 1923; Edward V. Andrulonis, junior assistant, at \$125.08 per month, to take effect December 17, 1923; Frederick B. Barshell, draftsman, at \$175.08 per month, to take effect December 12, 1923; Frank J. Burrell, junior clerk, at \$60 per month, to take effect December 12, 1923; Alexander Charles, draftsman, at \$175.08 per month, to take effect December 17, 1923; John Cook, junior clerk, at \$60 per month, to take effect December 12, 1923; George Deitz, junior assistant, at \$125.08 per month, to take effect December 11, 1923; Samuel I. Kaufman, draftsman, at \$175.08 per month, to take effect December 12, 1923; Gerlando Lamarca, draftsman, at \$175.08 per month, to take effect December 17, 1923; Ulysses E. Lutz, junior assistant, at \$125.08 per month, to take effect December 17, 1923; Joseph Smolensky, draftsman, at \$175.08 per month, to take effect December 17, 1923.

Resignations—Irving Eimerman, junior assistant, at \$125.08 per month, to take effect December 5, 1923; Irving H. Lembeck, junior assistant, at \$125.08 per month, to take effect December 20, 1923.

Terminations of Appointments under Rule VIII:4—Harry Beller, draftsman, at \$175.08 per month, to take effect December 21, 1923; Daniel C. Corwin, draftsman, at \$175.08 per month, to take effect December 20, 1923; Samuel Fox, draftsman, at \$175.08 per month, to take effect December 20, 1923; Eli Frankle, draftsman, at \$175.08 per month, to take effect December 20, 1923; Hyman Cranberg, draftsman, at \$175.08 per

month, to take effect December 20, 1923; Stanley DuBuske, draftsman, at \$175.08 per month, to take effect December 20, 1923; Abraham Josefson, draftsman, at \$175.08 per month, to take effect December 20, 1923; Kenneth H. Minch, draftsman, at \$175.08 per month, to take effect December 3, 1923; Abraham M. Morris, draftsman, at \$175.08 per month, to take effect December 21, 1923.

Terminations of Appointments under Rule VIII:9—Morris Baas, draftsman, at \$175.08 per month, to take effect December 20, 1923; Juan A. Delgado, draftsman, at \$175.08 per month, to take effect December 20, 1923; Samuel N. Gerson, draftsman, at \$175.08 per month, to take effect December 20, 1923; Louis S. Kirjassoff, draftsman, at \$175.08 per month, to take effect December 20, 1923; William R. Nugent, draftsman, at \$175.08 per month, to take effect December 20, 1923; William A. O'Leary, draftsman, at \$175.08 per month, to take effect December 20, 1923; Reuben Rubin, draftsman, at \$175.08 per month, to take effect December 20, 1923; Vincent Schiliro, draftsman, at \$175.08 per month, to take effect December 21, 1923; Samuel Steinfeld, draftsman, at \$175.08 per month, to take effect December 20, 1923; Francis J. Weber, draftsman, at \$175.08 per month, to take effect December 20, 1923.

Rescission of Appointment under Rule VIII:4—Wallace Moir, junior assistant, at \$125.08 per month, to take effect December 10, 1923.

Rescissions of Appointments under Rule VIII:9—Sidney R. Brown, draftsman, at \$175.08 per month, to take effect December 24, 1923; William Fierstein, draftsman, at \$175.08 per month, to take effect December 27, 1923; William F. Johnson, draftsman, at \$175.08 per month, to take effect December 27, 1923; James E. Sampson, draftsman, at \$175.08 per month, to take effect December 21, 1923.

Changes of Items in Resolution of December 5, 1923, Concerning the Following so as to Read as Follows: (Terminations of appointments under Rule VIII:4)—Sidney R. Brown, draftsman, at \$175.08 per month, to take effect December 20, 1923; William Fierstein, draftsman, at \$175.08 per month, to take effect December 21, 1923; William F. Johnson, draftsman, at \$175.08 per month, to take effect December 21, 1923.

Leaves of Absences with Pay—Muriel F. E. Booth, clerk, from November 15, 1923 to November 20, 1923; John H. Griffin, assistant engineer, from December 4, 1923 to December 10, 1923; Margaret J. Knott, file clerk, from January 1, 1924 to June 30, 1924; John A. McDermott, engineering inspector, from November 13, 1923 to November 24, 1923.

Transferred to Westchester County Park Commission—Stanley M. Northrop, assistant engineer, at \$254.16 per month, to take effect January 1, 1924.

1786

Voucher Schedule No. 52

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that the said vouchers be transmitted for payment to the Comptroller of The City of New York, the Comptroller of The State of New York, The Brooklyn-Manhattan Transit Corporation, or The South Brooklyn Railway Company, as the vouchers may direct.

Vouchers Nos. 1153-1159, open market orders, \$588.89; Vouchers Nos. 637-649, miscellaneous bills, \$200,855.65; Vouchers Nos. 217-226, City payrolls, \$95,587.02; Voucher No. CM-24, State payrolls, \$2,541.66; Voucher No. BMT-349, \$4,545.49; Voucher No. SBR-349, \$4,545.49.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 346, Joslin Construction Co., Inc.; approximate estimate No. 16 for the reconstruction of Route No. 26, Jackson Avenue Station, from November 1, 1923 to November 30, 1923 (R. T. 7556) \$9,799.13;

Voucher No. 347, Railway Switch & Crossing Corporation; approximate estimate No. 2 for the supply of Special Work and track fittings, Order No. 22, from October 16, 1923 to November 30, 1923 (R. T. 7638) \$5,983.98;

Voucher No. 348, Department of Docks, City of New York; approximate estimate No. 1 and final, for driving test piles as a part of construction of the Lenox

- Avenue and 148th Street Yard, under Contract No. 3, to October 17, 1923 (R. T. 7103) \$719.13;
- Voucher No. 349, M. A. Charles; approximate estimate No. 4, for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, Agreement "CJ," from November 1, 1923 to November 30, 1923 (R. T. 7648) \$9,090.98;
- Voucher No. BMT-349, M. A. Charles; approximate estimate No. 4 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, Agreement "CJ," from November 1, 1923 to November 30, 1923 (R. T. 7648) \$4,545.49;
- Voucher No. SBR-349, M. A. Charles; approximate estimate No. 4 for the construction of a concrete and steel highway bridge at Ninth Avenue between 37th and 38th Streets, Borough of Brooklyn, Agreement "CJ," from November 1, 1923 to November 30, 1923 (R. T. 7648) \$4,545.49;
- Voucher No. 350, Charles H. Brown & Son, Corporation, Assignee; approximate estimate No. 22, for the construction of station finish on Sections 1 and 2 of Route No. 8, from November 16, 1923 to December 15, 1923 (R. T. 7539) \$11,987.16.

1787

Voucher Schedule No. 53

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that said vouchers be transmitted for payment to the Comptroller of The City of New York.

Voucher No. 1160, open market order \$336.90; Vouchers Nos. 650-661, miscellaneous bills, \$1,261.36; Vouchers Nos. 35-38, Special payroll, \$3,840.00.

Estimate by Chief Engineer of Value of Work Done or Material Furnished for the Construction of Rapid Transit Lines for the Period Indicated Below:

Voucher No. 351, Jobson-Gifford Co.; approximate Estimate No. 6 for making changes in steel work at easterly approach to the Queensboro Plaza station, Section No. 1 of Routes Nos. 36 and 37, from November 1, 1923 to November 30, 1923 (R. T. 7573) \$7,925.29.

1788

Upon motion duly seconded and adopted, the meeting was adjourned to Thursday, December 20, 1923.

1789

Hearings

The following hearing was held:

10:30 A. M.; Cases Nos. 1264 and 1380; The Long Island Railroad Company; Grade crossing eliminations in Queens; Hearing on second partial accounting. Carleton S. Cooke, Assistant Counsel, designated to conduct this hearing, presided. Hearing closed.

The following hearing was adjourned:

10:30 A. M.; Case No. 2699; Manhattan Bus Corporation; Application for a certificate of public convenience and necessity for the operation of a stage route by auto buses on certain streets in the Borough of Manhattan. Adjourned upon application of petitioner to January 3, 1924, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Wednesday, December 19, 1923

1790

Hearing

The following hearing was adjourned:

Cases Nos. 2697 & 2698; Interborough Rapid Transit Company and New York Rapid Transit Corporation; Hearing on motion of the Commission as to the construction, apparatus, equipment, facilities, or devices used or to be used in connection with the transportation of passengers and property with particular reference to the installation of an experimental one mile of block signals on the local tracks of the elevated portions of the lines of said companies. Adjourned to January 4, 1924, at 10:30 A. M.

JAMES B. WALKER,
Secretary.

Proceedings for Thursday, December 20, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner, James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1791—R. T. 4010

Route No. 26—Resolution Declaring Westerly Extension of Westbound Platform of Jackson Avenue Station to be Ready for Operation—Adopted

The following resolution was adopted:

Resolved, That under and in pursuance of the provisions of the contract dated March 19, 1913 between the City of New York acting by the Public Service Commission and the Interborough Rapid Transit Company, known as Contract No. 3, this commission hereby declares the following portion of the Queensboro Subway Rapid Transit Railroad (described in said Contract No. 3 as the Steinway Tunnel Line) to be ready for operation at eleven o'clock A. M. on Thursday, December 20, 1923, to wit:

The westerly extension of the westbound platform of the Jackson Avenue Station between base line Station 174+98 and the westerly limits of the original westbound platform.

1792

Voucher Schedule No. 54

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that said vouchers be transmitted for payment to the Comptroller of The City of New York.
Vouchers Nos. 1161-1208, open market orders, \$11,417.02; Vouchers Nos. 662-672, miscellaneous bills, \$1,750.00.

1793

Upon motion duly seconded and adopted, the meeting was adjourned to Friday, December 21, 1923.

1794

Hearing

The following hearing was held:

10:50 A. M.; Case No. 2688; The Long Island Railroad Company; Application of The City of New York for a determination as to the manner in which Queens Boulevard from 74th Street (17th Street) to Jacobus Street shall cross the Flushing and North Side Division in the Borough of Queens. George L. Lucas, Acting Chief Executive Officer, designated to conduct this hearing, presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, December 21, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness, Commissioner; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1795—S. P. 755

Brooklyn, Queens County and Suburban Railroad Company—New Schedule Showing Termination of Receivership—Special Permission Approved

The Secretary presented a communication, dated December 20, 1923, from H. A. Crowe, General Passenger Agent, for the Brooklyn, Queens County and Suburban Railroad Company, requesting permission to file on one day's notice and to put into effect December 22, 1923, new schedule showing termination of receivership and resumption of operation by the company on December 22, 1923.

Thereupon the Commission approved and ordered filed Special Permission No. 755, granting the desired permission.

1796

Upon motion duly seconded and adopted, the meeting was adjourned to Thursday, December 27, 1923.

1797

Hearing

The following hearing was held:

11:00 A. M.; R. T. 7591—Draft form of contract for construction of the North Jane Street, Jackson Avenue, Newtown Creek and Manhattan Avenue Route No. 70-A-1 and the Manhattan Avenue, Roebling Street and Bedford Avenue Route No. 70-B. Commissioner Harkness presided. Hearing closed.

JAMES B. WALKER,
Secretary.

Proceedings for Friday, December 27, 1923

Present: George McAneny, Chairman; LeRoy T. Harkness and John F. O'Ryan, Commissioners; James B. Walker, Secretary.

The following matters were presented and action taken as noted:

1798—R. T. 7591

Route No. 70-C-1—Resolution Adopting Route and General Plan for Bedford Avenue, Fulton Street and Livingston Street Route—Revised—Communication to Board of Estimate and Apportionment—Adopted

The following resolution was adopted:

BEDFORD AVENUE, FULTON STREET AND LIVINGSTON STREET ROUTE—Revised
Borough of Brooklyn.
(Route No. 70-C-1.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination.

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Brooklyn, the center line of which shall begin at a point in Bedford Avenue, at or near Hancock Street where a connection can conveniently be made with other proposed rapid transit railroads; thence curving southwesterly as a subway or tunnel under and across private property, Spencer Place and private property to a point in Fulton Street at or near Franklin Avenue; thence extending westerly and northwesterly under and along Fulton Street to a point at or near Fort Greene Place and Lafayette Avenue; thence curving and extending westerly along and under Lafayette Avenue to a point in Lafayette Avenue at or near Ashland Place; thence curving and extending northwesterly across and under private property, Rockwell Place, private property and Flatbush Avenue to a point in Livingston Street at or near Flatbush Avenue; thence northwesterly, along and under Livingston Street to a point in Livingston Street about 300 feet west of Flatbush Avenue, where a connection can conveniently be made with other proposed rapid transit railroads.

There shall be three branches to the route as above described:

The first branch begins at a point under Fulton Street at or near Ft. Greene Place. Two tracks of this branch shall continue under and along Fulton Street to a point in Fulton Street at or near Ashland Place; and a third track shall run under and along Lafayette Avenue, and under and across private property, Ashland Place and private property, to a point in Fulton Street at or near Rockwell Place.

The second branch begins at a point under Fulton Street at or near South Elliott Place and runs thence northwesterly under, along and across Fulton Street, Lafayette

Avenue, private property and Fort Greene Place to a point in Fort Greene Place about 300 feet north of Fulton Street.

The third branch begins at a point under Fulton Street at or near Franklin Avenue and runs thence easterly along and under Fulton Street to a point in Fulton Street at or near Bedford Avenue.

These branches are to be so arranged that connections may be made therefrom to existing or other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire main route there shall be four (4) tracks.

The first branch as above described shall have three (3) tracks. The other two branches shall each have four (4) tracks.

The tracks shall be substantially parallel with each other, and on substantially the same level, except that wherever required by surface or subsurface structures or other special or local necessities and at stations and curves and for the purpose of avoiding grade crossings and at or near all points of connections with existing or proposed rapid transit railroads, any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary. Generally, the tracks and track structures shall be within the street limits. Where the route changes direction, and elsewhere as may be deemed necessary, private property will be required.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks where constructed in subway or tunnel may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half (8½) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional tracks for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railroad.

Stations and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used

for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "an Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OR DRAWING

It is further resolved, That the map or drawing entitled "State of New York, Transit Commission, Engineering Department, Route & General Plan, Route No. 70-C-1, Bedford Avenue, Fulton Street and Livingston Street Route—Revised, Borough of Brooklyn," dated December 11, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment was as follows:

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on December 27, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Brooklyn, City of New York, to be known as Bedford Avenue, Fulton Street and Livingston Street Route—Revised (Route No. 70-C-1).

This route begins at a point in Bedford Avenue at or near Hancock Street, and extends thence southwesterly under and across private property, Spencer Place and private property to a point in Fulton Street at or near Franklin Avenue; thence westerly and northwesterly along and under Fulton Street to a point at or near Fort Greene Place and Lafayette Avenue; thence along, across and under Lafayette Avenue, private property, intervening streets and Livingston Street to a point about 300 feet west of Flatbush Avenue.

This route has three branches:

The first branch begins at a point under Fulton Street at or near Ft. Greene Place.

Two tracks of this branch shall continue under and along Fulton Street to a point in Fulton Street at or near Ashland Place; and a third track shall run under and along Lafayette Avenue, and under and across private property, Ashland Place and private property, to a point in Fulton Street at or near Rockwell Place.

The second branch begins at a point under Fulton Street at or near South Elliott Place and runs thence northwesterly under, along and across Fulton Street, Lafayette Avenue, private property and Fort Greene Place to a point in Fort Greene Place about 300 feet north of Fulton Street.

The third branch begins at a point under Fulton Street at or near Franklin Avenue and runs thence easterly along and under Fulton Street to a point in Fulton Street at or near Bedford Avenue.

These branches are to be so arranged that connections may be made therefrom to existing or other proposed rapid transit railroads.

Dated December 27, 1923.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

1799—R. T. 7621

Route No. 75-F—Resolution Adopting Route and General Plan for Eighth Avenue Route, 30th Street to 59th Street—Communication to Board of Estimate and Apportionment—Adopted

The following resolution was adopted:

EIGHTH AVENUE ROUTE, 30TH STREET TO 59TH STREET.

Borough of Manhattan.

(Route No. 75-F)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point under Eighth Avenue at or near West 30th Street; thence extending northerly as a subway or tunnel along and under Eighth Avenue to a point in Eighth Avenue at or near West 59th Street, Columbus Circle and Broadway, where a connection can conveniently be made with other proposed rapid transit railroads.

For the purpose of returning trains at the southerly terminus of this route, the tracks may be extended southerly under Eighth Avenue, from West 30th Street as far as may be considered necessary.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and generally on the same level, except that wherever required by surface or subsurface structures or other special or local necessities and at stations and curves and for the purpose of avoiding grade crossings and at or near all points of connections with existing or proposed rapid transit railroads, any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary. Generally, the tracks and track structures shall be within the street limits.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half (8½) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional tracks for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railroad.

Stations and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place. The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OF DRAWING

It is Further Resolved, that the map or drawing entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 75-F, Eighth Avenue Route, 30th Street to 59th Street, Borough of Manhattan," dated December 22, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment, was as follows:

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on December 27, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Manhattan, City of New York, to be known as the Eighth Avenue Route, 30th Street to 59th Street (Route No. 75-F).

This route begins at a point under Eighth Avenue at or near West 30th Street, and extends thence northerly along and under Eighth Avenue to a point in Eighth Avenue at or near West 59th Street, Columbus Circle and Broadway.

Dated December 27, 1923.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

1800—R. T. 7661

Route No. 76—Resolution Adopting Route and General Plan for Lafayette Avenue Route, Bedford Avenue to Flatbush Avenue—Communication to Board of Estimate and Apportionment—Adopted

The following resolution was adopted:

LAFAYETTE AVENUE ROUTE,
BEDFORD AVENUE TO FLATBUSH AVENUE
Borough of Brooklyn.
(Route No. 76.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already

existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Brooklyn, the center line of which shall begin at a point in Lafayette Avenue, at or near Bedford Avenue where a connection can conveniently be made with other proposed rapid transit railroads; and extends thence westerly as a subway or tunnel across Bedford Avenue and under and along Lafayette Avenue to a point at or near Rockwell Place; thence curving northwesterly along and under Lafayette Avenue, across and under private property, and along and under Flatbush Avenue to a point in Flatbush Avenue at or near Third Avenue, where a connection can conveniently be made with the existing rapid transit railroad or with other proposed rapid transit railroads.

There shall also be four-branches to the route as above described.

The first branch begins at a point in Lafayette Avenue at or near Skillman Street, and runs thence northeasterly along and under Lafayette Avenue, across and under private property and along and under Bedford Avenue to a point in Bedford Avenue at or near Kosciuszko Street.

The second branch also begins at a point in Lafayette Avenue at or near Skillman Street, and runs thence southeasterly along and under Lafayette Avenue, across and under private property and along and under Bedford Avenue to a point in Bedford Avenue at or near Clifton Place.

The third branch begins at a point in Lafayette Avenue at or near South Elliott Place and runs thence northwesterly along and under Lafayette Avenue, and Fulton Street and across and under private property and along and under Fort Greene Place to a point in Fort Greene Place about 300 feet north of Fulton Street.

The fourth branch begins at a point in Lafayette Avenue at or near South Elliott Place and runs thence westerly and northwesterly along and under Lafayette Avenue, Fulton Street and across and under private property and intervening streets to points under Fulton Street at or near Ashland Place and at or near Rockwell Place to connect with the existing Fourth Avenue rapid transit railroad under Fulton Street and Ashland Place. One or more tracks of this branch shall run under and across private property, and under and along Fulton Street to a point under Fulton Street at or near Ashland Place; and one or more tracks shall continue under and along Lafayette Avenue and under and across private property, Ashland Place and private property to a point in Fulton Street at or near Rockwell Place.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire main route there shall be four (4) tracks. For the branches or spurs there shall be two (2) or more tracks.

The tracks shall be substantially parallel with each other, and on substantially the same level, except that wherever required by surface or subsurface structures or other special or local necessities and at stations and curves and for the purpose of avoiding grade crossings and at or near all points of connections with existing or proposed rapid transit railroads, any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary. Generally, the tracks and track structures shall be within

the street limits. Where the route changes direction, private property will be required as indicated in the foregoing descriptions or as may be deemed necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half (8½) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional tracks for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railroad.

Stations and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or

other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place.
The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "an Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OR DRAWING

It is further resolved, That the map or drawing entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 76, Lafayette Avenue Route, Bedford Avenue to Flatbush Avenue, Borough of Brooklyn," dated October 9, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment, was as follows:

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on December 27, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Brooklyn, City of New York, to be known as the Lafayette Avenue Route, Bedford Avenue to Flatbush Avenue (Route No. 76).

This route begins at a point in Lafayette Avenue at or near Bedford Avenue where a connection can conveniently be made with other proposed rapid transit railroads, and extends thence westerly across Bedford Avenue and along and under Lafayette Avenue to a point at or near Flatbush Avenue and Third Avenue where a connection can conveniently be made with the existing rapid transit railroad or with other proposed rapid transit railroads.

This route has four branches:

The first branch begins at a point in Lafayette Avenue at or near Skillman Street, and runs thence northeasterly along and under Lafayette Avenue, across and under private property and along and under Bedford Avenue to a point in Bedford Avenue at or near Kosciusko Street.

The Second branch also begins at a point in Lafayette Avenue at or near Skillman Street, and runs thence southeasterly along and under Lafayette Avenue, across and under private property and along and under Bedford Avenue to a point in Bedford Avenue at or near Clifton Place.

The third branch begins at a point in Lafayette Avenue at or near South Elliott Place and runs thence northwesterly along and under Lafayette Avenue, and Fulton Street and across and under private property and along and under Fort Greene Place to a point in Fort Greene Place about 300 feet north of Fulton Street.

The fourth branch begins at a point in Lafayette Avenue at or near South Elliott Street and runs thence westerly and northwesterly along and under Lafayette Avenue, Fulton Street and across and under private property and intervening streets to points under Fulton Street at or near Ashland Place and at or near Rockwell Place. These branches are to be so arranged that connections may be made therefrom to existing or other proposed rapid transit railroads.

Dated, December 27, 1923.

TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

1801—R. T. 7661

Route No. 78-C—Resolution Adopting Route and General Plan for Fort Washington Avenue Route, 175th Street to Overlook Terrace—Communication to Board of Estimate and Apportionment—Adopted

The following resolution was adopted:

FORT WASHINGTON AVENUE ROUTE, 175TH STREET TO OVERLOOK TERRACE.
(Route No. 78-C.)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination.

Now, Therefore, this Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point under Fort Washington Avenue at or near West 175th Street, where a connection can conveniently be made with other proposed rapid transit railroads; and extending thence northerly as a subway or tunnel under and along Fort Washington Avenue to a point under Fort Washington Avenue north of West 190th Street; thence northerly across and under private property to Overlook Terrace.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or sub-surface structures or other special or local necessities, and at curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable, except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or anyone or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half (8½) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional tracks for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railroad.

Stations and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed, over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary permits construction of such portion by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OR DRAWING

It is Further Resolved, That the map or drawing entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 78-C, Ft. Washington Avenue Route, 175th Street to Overlook Terrace, Borough of Manhattan," dated December 22, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment, was as follows:

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on December 27, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Manhattan, City of New York, to be known as the Fort Washington Avenue Route, 175th Street to Overlook Terrace (Route No. 78-C).

This route begins at a point under Fort Washington Avenue at or near West 175th Street, where a connection can conveniently be made with other proposed rapid transit railroads; and extends thence northerly along and under Fort Washington Avenue to a point north of 190th Street, thence across and under private property, to Overlook Terrace.

Dated December 27, 1923.

TRANSIT COMMISSION,

By GEORGE McANENY,

Chairman.

Attest:

JAMES B. WALKER,
Secretary.

1802—R. T. 7717

**Route No. 79—Resolution Adopting Route and General Plan for Broadway,
Columbus Avenue and Manhattan Avenue Route, 59th Street to 114th
Street—Communication to Board of Estimate and Apportionment—Adopted**

The following resolution was adopted:

**BROADWAY, COLUMBUS AVENUE AND MANHATTAN AVENUE ROUTE
59th Street to 114th Street
(Route No. 79)**

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point under Broadway at or near West 59th Street, Eighth Avenue and Columbus Circle, where a connection can conveniently be made with other proposed rapid transit railroads; thence extending northwesterly as a subway or tunnel along and under Broadway to a point under Broadway at or near Columbus Avenue and West 65th Street; thence extending northerly along and under Columbus Avenue to a point under Columbus Avenue at or near West 110th Street; thence curving northeasterly across and under Morningside Park, across and under Morningside Avenue East, and across, under and along Manhattan Avenue to a point under Manhattan

Avenue at or near West 114th Street, where a connection can conveniently be made with other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

For the entire route there shall be four (4) tracks.

The tracks shall be substantially parallel with each other and on substantially the same level; except that wherever required by special necessities of surface or subsurface structures or other special or local necessities, and at curves and for the purpose of avoiding grade crossings and at and near all points of connection with existing or proposed rapid transit railroads any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable, except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to any part of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purpose of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in one tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional track for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of roadway.

Station and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission, in cases of necessity and for such times as may be necessary, permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity, or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railroads in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAPS OR DRAWINGS

It is Further Resolved, That the three (3) maps or drawings entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 79, Broadway, Columbus Avenue and Manhattan Avenue Route, 59th Street to 114th Street, Borough of Manhattan," and further marked "Key Map," "Sheet No. 1" and "Sheet No. 2," respectively, all dated December 22, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby are adopted as showing the foregoing route and general plan for convenience merely and that said maps or drawings are not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment, was as follows:

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on December 27, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Manhattan, City of New York, to be known as the Broadway, Columbus Avenue and Manhattan Avenue Route, 59th Street to 114th Street (Route No. 79).

This route begins at a point under Broadway at or near West 59th Street, Eighth Avenue and Columbus Circle in the Borough of Manhattan, where a connection can conveniently be made with other proposed rapid transit railroads and extends thence northwesterly under and along Broadway to Columbus Avenue and West 65th Street; thence continuing northerly under and along Columbus Avenue to West 110th Street; thence curving northeasterly across and under Morningside Park, Morningside Avenue East and Manhattan Avenue to a point under Manhattan Avenue at or near West 114th Street, where a connection can conveniently be made with other proposed rapid transit railroads.

Dated December 27, 1923.

TRANSIT COMMISSION,
By GEORGE MCANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

1803—R. T. 7717

Route No. 79-A—Resolution Adopting Route and General Plan for Seventh Avenue-Broadway Connection, 59th Street and Seventh Avenue to 61st Street and Broadway—Communication to Board of Estimate and Apportionment—Adopted

The following resolution was adopted:

SEVENTH AVENUE-BROADWAY CONNECTION 59TH STREET AND SEVENTH AVENUE TO 61ST STREET AND BROADWAY.

(Route No. 79-A)

Whereas, The Transit Commission has determined that a rapid transit railroad for the conveyance and transportation of persons and property, in addition to those already existing, authorized or proposed, is necessary for the interest of the public and of the City of New York and should be established therein as hereinafter provided; and

Whereas, This Commission has duly made the inquest and investigation necessary or proper in the premises and all such inquests and investigations as are necessary or proper for such determination,

Now, Therefore, This Commission does hereby adopt the following route for an additional rapid transit railroad in the City of New York and does hereby determine and establish the said additional route thereof as follows and does hereby adopt a general plan of construction of the said railroad, the route of which is herein provided, and does in such general plan hereby adopted show the general mode of operation and such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected.

This Commission, in adopting the said route and general plan, expressly reserves all the powers in relation to the construction of the said route which are conferred upon it by the Rapid Transit Act.

ROUTE

A route lying wholly within the Borough of Manhattan, the center line of which shall begin at a point under Central Park adjacent to West 59th Street and Seventh Avenue, where a connection can conveniently be made with other existing rapid transit railroads; thence curving and extending northwesterly and westerly as a subway or tunnel across and under the southwesterly corner of Central Park, to a point in Central Park West at or near West 61st Street; thence extending westerly and crossing under Central Park West to a point in West 61st Street at or near Central Park West, thence along and under West 61st Street to a point under West 61st Street at or near Broadway, where a connection can conveniently be made with existing or other proposed rapid transit railroads.

GENERAL PLAN OF CONSTRUCTION

The general plan of construction hereby adopted for the foregoing route is as follows:

This connection shall have two (2) tracks.

The tracks shall be substantially parallel with each other, and shall generally be on the same level, except that wherever required by surface or subsurface structures or other special or local necessities and at stations and curves and for the purpose of avoiding grade crossings and at or near all points of connections with existing or proposed rapid transit railroads, any of the tracks may be elevated above or depressed below the level of the other track or tracks or separated from the other tracks to the extent that may be necessary. Generally, the tracks and track structures shall be within the street limits.

The tracks shall be in subway or tunnel throughout.

The tracks shall be placed in general under the central part of the street so far as may be found convenient and practicable except that wherever required by special or local necessities or conditions and at curves and at stations and station approaches, the tracks or any one or more of them may be diverted as far as necessary to either side or both sides of said streets or any of them. Any part of the longitudinal streets of the route may be occupied so far as the purposes of this general plan require.

The roof of the said tunnels above mentioned shall be of iron or steel with brick or concrete arches, supported by iron or steel or masonry columns or resting upon masonry

walls; or the roof may be a masonry structure; or the whole of the lining may be of metal.

The said tunnels shall in no case be more than sixteen (16) feet in height in the clear, except that at stations, station approaches, fan chambers, emergency exits, duct manholes and at other points where special or local necessities or conditions or special methods of tunneling may require, such height in the clear may be increased so far as necessary.

There shall be a width in the said tunnels not exceeding fifteen (15) feet for each track, in addition to the thickness of the supporting walls, except that at stations, station approaches, fan chambers, emergency exits, duct manholes, switches, turnouts, curves and crossovers, and at other points where special construction shall so require, such width may be increased so far as necessary.

The roof of the tunnels when under the street shall be as near the surface of the street as street conditions, subsurface structures, grades and connections with other routes will conveniently permit, except that where any of the tracks may be depressed below the other track or tracks as above provided, the lower track or tracks may be depressed to the extent that may be necessary as aforesaid.

The tracks may be placed in the same tunnel, or there may be separate tunnels for one or more tracks, as shall be most convenient.

The tracks shall be of standard gauge, that is to say, of the width of four (4) feet and eight and one-half ($8\frac{1}{2}$) inches between the gauge lines.

The tracks may be connected by necessary and suitable switches and connections for which purposes additional tracks may be constructed and additional tracks for siding accommodations may be constructed not to exceed in length one-half of a mile for each mile of railroad.

Stations and station entrances and exits may be built under the streets or through private property to be acquired for the purpose or both under streets and through private property as aforesaid. The streets under which stations or station entrances or exits may be built may include cross streets, but no part of any cross street shall be used for a station or station entrance or exit at a distance greater than seventy-five (75) feet from the exterior line or side of the longitudinal streets of the route.

Pipes, wires, sewers, street railroad tracks, poles for electric wires and other surface and subsurface structures at any part of the said route shall be removed or disturbed only when necessary for the construction or operation of the railroad above referred to, and if removed or disturbed shall be placed over, upon or under the several streets in such manner and in such location that the use and service thereof shall not be impaired. Such pipes, wires, sewers and other subsurface structures shall be left or shall be so arranged as to give free access for their repair or alteration or for the placing with them, so far as there may be space, of new pipes, wires, sewers and other like structures, and for making connections between the same and abutting buildings at any time.

The manner of construction shall be by tunneling, trench excavation under cover or open excavation, except that under any street of the route construction shall be only by tunneling or trench excavation under cover unless the Commission in cases of necessity and for such times as may be necessary, permits construction of such portions by open excavation.

In parks, parkways and public places under the jurisdiction of the Department of Parks, all trees injured or destroyed in the course of construction shall, so far as possible, be replaced under the direction and to the satisfaction of the said Department.

MODE OF OPERATION

The general mode of operation of the route above described shall be by electricity or some other power not requiring combustion within the tunnels, and the motors or other means of transmitting power shall be capable of moving conveyances at a speed of not less than thirty-five (35) miles per hour for long distances, exclusive of stops.

DEFINITIONS

The word "street" wherever used herein shall include an avenue or public place.

The words "Rapid Transit Act" wherever used herein shall be taken and held to mean Chapter 4 of the Laws of 1891, entitled "An Act to provide for rapid transit railways in cities of over one million inhabitants," as amended by Chapter 752 of the Laws of 1894, and other Acts of the Legislature.

MAP OR DRAWING

It is Further Resolved, That the map or drawing entitled "State of New York, Transit Commission, Engineering Department, Route and General Plan, Route No. 79-A, Seventh Avenue-Broadway Connection, 59th Street and Seventh Avenue to 61st Street and Broadway, Borough of Manhattan," dated December 22, 1923, and signed by Robt. Ridgway, Chief Engineer, be and hereby is adopted as showing the foregoing route and general plan for convenience merely and that said map or drawing is not to be deemed a part of the description of the route or a part of the general plan for any purpose whatever.

The communication to the Board of Estimate and Apportionment, was as follows:

TO THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

The Transit Commission herewith transmits to your honorable Board for your approval and the approval of the Mayor of the City, as required by law, a certified copy of a resolution adopted by it on December 27, 1923, determining and establishing a route and general plan of construction for an additional rapid transit railroad in the Borough of Manhattan, City of New York, to be known as the Seventh Avenue-Broadway Connection, 59th Street and Seventh Avenue to 61st Street and Broadway (Route No. 79-A).

This route begins at a point under Central Park adjacent to West 59th Street and Seventh Avenue, and extends thence northwesterly and westerly across and under the southwesterly Corner of Central Park to Central Park West and West 61st Street; thence westerly across and under Central Park West and along and under West 61st Street to Broadway.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

Attest:

JAMES B. WALKER,
Secretary.

1804

Rapid Transit Railroads—Proposed Communication to Board of Estimate and Apportionment Submitting Revised Routes and General Plans for Brooklyn and Manhattan Routes—Approved

The following proposed communication was approved:

December , 1923

To the Honorable

THE BOARD OF ESTIMATE AND APPORTIONMENT
OF THE CITY OF NEW YORK.

Gentlemen:

On May 15, 1923, pursuant to the provisions of the Rapid Transit Act, the Transit Commission submitted to your Honorable Board, as a part of the so-called Crosstown Rapid Transit Route in the Borough of Brooklyn, the Route and General Plan for the section known as the *Bedford Avenue, Fulton Street and Livingston Street Route, Route No. 70-C*. The general plan of construction for this route provided a maximum of three tracks, with three tracks for the branch or spur therein described. Subsequently, the consideration of this proposed Route and General Plan was referred by your Board to your Transportation Conference Committee, and has been the subject of several conferences between that Committee and the members of this Commission.

At the outset, it was suggested by members of your Committee and agreed to by the Transit Commission, that the proposed Route and General Plan should provide for a maximum of four tracks, with additional proposed branches or spurs, in order to allow a greater flexibility in the future, should the main Route and General Plan be constructed. The chief point of discussion in conference, however, has been that of the general character of the territory to be served, beyond the point of conjunction of Bedford and Lafayette Avenue, and of the means affording the maximum service to such territory. The Transit Commission has maintained that in order to give the fullest service to the territory at present without such service, and to fit most logically with the general transit layout of the future, the Crosstown Line should be carried

southward on Bedford Avenue to a point of conjunction with Fulton Street, and thence along Fulton Street to a point of conjunction with the Fourth Avenue Subway, and with whatever additional subway lines may in future be constructed beneath the East River to Manhattan. The members of your Committee have advocated the desirability of shortening the line upon Bedford Avenue and of making the connection with Central Brooklyn and the Manhattan lines by way of Lafayette Avenue.

The choice to be made between these alternatives is one of such importance and has developed views of such opposite character, that it appeared advisable, both to the Transit Commission and to your Committee, to invite an expression of public opinion upon the general subject, and accordingly a public hearing was held before a joint session of the two bodies in the City Hall on November 15, 1923. This hearing was addressed by the representatives of various Brooklyn organizations and by representative citizens interested in the determination to be made. It was clearly indicated that the same main difference of opinion existed in the public mind as exist between the conferees, and while helpful, the hearing given was not determinative of the final action to be taken. The Commission still holds the view that actuated it in giving its original approval to the Fulton Street Route and in submitting this route to your Honorable Board, and it is still of the opinion that the proper location for this branch of the Crosstown line is that submitted in the Route and General Plan presented to your Board on May 15, 1923, as aforesaid.

It is unnecessary, of course, to outline the arguments of your Committee supporting its contention that the Lafayette Avenue Route is the more desirable. It is assumed, naturally, that it will report directly to your Honorable Board upon the subject and that it will submit its views for your consideration.

In order, however, that there may be no delay in advancing the main Crosstown project, due to differences of opinion, and in view of the fact that the action of your Board in setting aside for the purposes of routing, whichever street or streets are to be used, is essential to the completion of that project, the Commission has agreed with your Committee to adopt and submit: (1) a Revised Route and General Plan covering the Bedford Avenue, Fulton Street and Livingston Street Route (No. 70-C-1), so as to provide for a maximum of four tracks upon this line, in substitution for the three track plan heretofore submitted, and (2): a new Route and General Plan (No. 76) covering the Lafayette Avenue alternative. The Commission is prepared, for the reasons it has stated, to take whichever of these routes your Honorable Board is prepared to approve and to proceed with the validation of and the preparation of plans and contracts for the construction of either accordingly.

The revised Fulton Street Route, in addition to the branch or spur described in the original Route No. 70-C, includes also two additional branches, one extending under and along the full length of Fulton Street to Bedford Avenue, and the second extending into Fort Greene Place, each of these spurs providing for two or more tracks. These changes have been discussed with and have been approved by the members of your Committee.

The Commission, in further pursuance of the understanding with your Committee, requests your Honorable Board to return its communication submitting the original Route and General Plan No. 70-C-1, without further consideration thereon by your Honorable Board, and to take up for consideration instead the aforesaid substitute route and the alternative Lafayette Avenue Route, extending from Bedford Avenue to Flatbush Avenue, herewith coincidentally submitted.

As a part of the discussion of the entire transit subject with the members of your Committee, it has also been agreed that, simultaneously with the submission of the alternative routes for the Brooklyn Line, the Commission would submit for the consideration of your Honorable Board, the revised routes intended to relieve the necessities of the transit situation in the Borough of Manhattan. The so-called Central Park West Route (No. 78-B), now pending before your Honorable Board, has been the subject of considerable attention, both publicly and between the conferees. Various alternative proposals have been considered and what appears to be the better of these alternatives, has been agreed upon. This agreement includes provision for a full four-track subway to run from the point of connection with that part of the route that has already been validated, under and along St. Nicholas and Manhattan Avenues to a point at about 114th Street; thence curving under Morningside Park into Columbus Avenue, and southerly under and along Columbus Avenue to 66th Street; thence as a two track subway under and along the easterly side of Broadway, 59th

Street, under West 61st Street, Central Park West and the southerly end of Central Park to the connection with the existing stub tracks of the Broadway-Fourth Avenue Line in Seventh Avenue; thence also as a four track line under and along the westerly side of Broadway, Columbus Circle and Eighth Avenue to a point in Eighth Avenue immediately south of the Pennsylvania Terminal.

The major advantages of the routing so proposed is that it will obviate the physical difficulties and hazards and a considerable amount of incidental cost in the taking care of existing subsurface structures, especially aqueducts and water mains which obtain both in Amsterdam Avenue and Central Park West.

In addition, the adoption of these routes will meet the popular objections that have been made to any disturbance of the surface of Central Park itself. The present existence of the elevated structure over and along Columbus Avenue has not been overlooked, in the consideration of the conferees, but it has been determined by the engineers that the cost of supporting the elevated structure during the construction will be considerably less than the cost of taking care of subsurface structures upon any other of the north and south streets that have been under consideration.

The Commission has adopted, and, by communications of this date, submitted to your Honorable Board for its action, three separate but contiguous Routes and General Plans covering the lines above outlined. In this connection the Commission also requests of your Honorable Board the return, without further consideration, of the so-called Central Park Route (No. 78-D), covering the section northward from 65th to 110th Streets and proposed for construction along the marginal tract of Central Park.

In rearranging these Manhattan routes, it has been considered desirable to extend the route already validated along St. Nicholas and Fort Washington Avenues, from its present terminus at 175th Street northward under and along Fort Washington Avenue to 193rd Street or Overlook Terrace. The construction of a full four track line would readily permit the operation of both express and local trains to this part or point, operation that the development of this territory, in the opinion of the Commission and of your Committee, demands. It is planned also to connect the Queensboro line now under course of construction from the Grand Central Station westerly along 41st Street to Eighth Avenue, through the use of two of the four tracks for which provision is made on this line southward to the Pennsylvania Station.

The estimated costs of these various proposals have been reported to the members of your Committee and will no doubt form part of the report it will submit to your Honorable Board.

The Commission will very gladly furnish either your Honorable Board or its Committee with whatever additional information or supplementary data with relation to any of the lines referred to, as you may desire.

Respectfully,
TRANSIT COMMISSION,
By

Chairman.

1805—C. 19414

Property Owners' Association of Coney Island, Inc.—Complaint as to Extra Five-Cent Fare Charged on Norton's Point Line—Communication to Board of Estimate and Apportionment Approved

The Commission approved a communication, to the Board of Estimate and Apportionment, reading as follows:

December , 1923

BOARD OF ESTIMATE AND APPORTIONMENT,
JAMES MATTHEWS, Esq., Assistant Secretary,
Municipal Building,
New York, N. Y.

Dear Sir:

At a meeting of your Honorable Board held on the 21st day of September, 1923, there was referred to the Transit Commission (Cal. No. 79) a communication dated May 29, 1923, addressed to the Mayor of The City of New York from the Property Owners' Association of Coney Island, Inc., calling attention to the extra five-cent fare

charged on the Norton's Point Railway, which operates between Stillwell Avenue and Sea Gate, Coney Island, a distance of about one mile, and stating that the association is opposed to the unification of the Brooklyn Rapid Transit System unless the Norton's Point Line is included in the one unit for a five-cent fare.

Replying to the aforesaid communication as well as the communication dated September 24, 1923, from the Assistant Secretary of your Honorable Board with which he transmitted a copy of said communication of May 29, 1923 and in which he advised the Transit Commission of the action of your Honorable Board at its meeting on September 21, 1923 and of the expression of its opinion that it considers the charge of an additional five-cents outrageous and the condition should be corrected, the Transit Commission informs your Honorable Board as follows:

The so-called Norton's Point Line of railway is at the present time owned and operated by the South Brooklyn Railway Company, an independent operating railway company having all the characteristics of a street railroad company. The Commission's records indicate that this line is operated almost wholly over a private-right-of-way and that it was constructed and originally operated by the New York and Coney Island Railroad Company as a steam railroad. On or about September 14, 1923, the South Brooklyn Railway Company merged the New York and Coney Island Railroad Company among other companies and thereby acquired ownership of the Norton's Point Line, which previously thereto it was operating under a lease. Records of this Commission further indicate that the South Brooklyn Railway Company has a legal right to charge a five-cent fare on its Norton's Point Line. In view of that fact this Commission finds it difficult to see anything outrageous about the railroad company charging a fare which it is rightfully entitled to charge.

The Commission is aware of its power to provide for a passenger joint rate, fare, charge, through route or transfer between the Norton's Point Line and the rapid transit railroad lines of the New York Rapid Transit Corporation entering Coney Island, but deems it an inadvisable proceeding to institute involving a line of a little over a mile in length with lines of upward of 12 to 15 miles and in one instance upwards of 20 miles in length. A joint rate necessarily would have to be an adequate one. To prescribe for the rapid transit railroads entering Coney Island a fare less than five cents at the present time would undoubtedly work an injustice not only to the company that operates these lines, but to The City of New York as well. To require reduction of the fare on the Norton's Point Line is considered of uncertain validity and is believed would with respect to transportation generally upon the lines of the South Brooklyn Railway Company result in injury to service by that company to the public it now serves.

It has been suggested that the Norton's Point Line be acquired by the City either outright or by lease for reconstruction as an elevated structure as an extension to the rapid transit railroads now serving Coney Island. Such proposal has received consideration not only by this Commission but its predecessors and in a general way is favored, but in view of the City's present financial condition and demands of other sections of the City greater in need of rapid transit facilities the Commission is of the opinion such proposal should be held in abeyance at this time.

As for including the Norton's Point Line in the unit for a five-cent fare in the proceeding before this Commission last summer for approval of the reorganization of the Brooklyn Rapid Transit System, the proceeding as such did not extend to a proposition of that character and the matter before the Commission at that time did not permit of any such action by the Commission.

TRANSIT COMMISSION,
By

Secretary.

1806—R. T. 5006

Agreement "CI"—Report by Chief Engineer Recommending Return of Certified Check in Sum of Two Hundred Dollars Deposited by Philip J. Healey, as Security for Repair of Bridge over Hubbards Creek under Contract for Making Test Borings—Approval Resolution

A report was presented from the Chief Engineer dated December 19, 1923, recommending the return of the certified check in the sum of Two Hundred (\$200) Dollars,

deposited by Philip J. Healey, as security for making repairs to bridge over Hubbards Creek, which was damaged in connection with the contract for making test borings at yard sites and extension of Broadway Subway, under Central Park.

The following resolution was adopted:

Whereas, By resolution dated November 7, 1923 Philip J. Healey was required to deposit with this Commission a certified check or cash in the sum of \$200 as security for the rebuilding of the foot bridge across Hubbards Creek in the Coney Island Yard destroyed by said contractor's vehicle while transporting equipment in the course of the performance of the contract dated May 28, 1923 between The City of New York, acting by the Transit Commission and said Philip J. Healey for test borings on the sites of the proposed Coney Island Yard (Borough of Brooklyn); and

Whereas, The Chief Engineer of the Commission by communication dated December 19, 1923 has reported that said bridge has been rebuilt by the contractor to a condition similar to and equally as good as originally existed and has recommended that the security deposited by the contractor to insure the rebuilding of the bridge be released,

Resolved, That the security deposited by Philip J. Healey for the rebuilding of the bridge across Hubbards Creek in the Coney Island Yard (Borough of Brooklyn) pursuant to resolution of this Commission dated November 7, 1923 and the said contract dated May 28, 1923 be released and the Secretary be and he is hereby authorized and directed to return the same to said Philip J. Healey.

1807—R. T. 7665

Routes Nos. 36 & 37, Section No. 1—Report by Chief Engineer Recommending Approval of Supplementary Schedule Item for Manufacturing Beveled Blocks for Use under Contract for Installation of Switch Back Track and Miscellaneous Work East of Queensboro Plaza Station—Approval Resolution

A report was presented from the Chief Engineer dated December 19, 1923, recommending the establishment of a supplementary schedule item as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission in pursuance of Item 150 of the contract dated August 2, 1923, between The City of New York, acting by the Commission and B. T. and J. J. Mack, Inc., for the installation of a switchback track near the Queensboro Plaza Station, Routes 36 and 37, having subject to the approval of the Commission agreed with the said Contractor upon the following schedule item:

Item No. 1-X—For the work of manufacturing approximately 340 beveled blocks of the dimensions directed by the Engineer in the field from City's material stored at Metropolitan and Bushwick Avenues in the Borough of Brooklyn, and the delivery of the finished blocks to the Works, the price of eighty-one cents (81c.) each.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1808—R. T. 7600

Route No. 52, Section No. 1—Report by Chief Engineer Recommending Approval of Lump Sum Price for Making Core Borings under Contract for Construction of Column Foundations—Approval Resolution

A report was presented from the Chief Engineer dated December 17, 1923, recommending the establishment of a lump sum price, as described below, and the following resolution was adopted:

Whereas, The Chief Engineer of the Transit Commission, in pursuance of Item 150 of the contract dated March 20, 1923 between The City of New York, acting by the Transit Commission, and the Gustin-Morris Contracting Corporation, for the Construction of Column Foundations, Route No. 52, Section 1, Flushing Route, having,

subject to the approval of the Commission, agreed with the said Contractor upon the following supplementary schedule item:—

Item No. 3-A—For making 7½-inch core borings through the lower lift of four column foundations, the lump sum of \$517.50.

Resolved, That such action on the part of the Chief Engineer be and hereby is approved.

1809—R. T. 6685

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Installation of Additional Signal on Southbound Express Track at Grand Central Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated December 6, 1923, requesting approval of the installation of an additional signal on the southbound express track at the Grand Central Station of the Lexington Avenue Line at an estimated cost of \$2,400.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated December 14, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad and assigning Work Order No. DL-6-A thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company has, by communication dated December 6, 1923, requested the approval of this Commission to the installation of an additional signal on the southbound express track at the Grand Central Station of the Lexington Avenue Branch of the Seventh Avenue-Lexington Avenue Line of the Railroad, as defined and described in said Contract No. 3; and

Whereas, By communication dated December 14, 1923, the Engineer of Equipment and Operation and the Chief Engineer of this Commission have reported with respect to said application; that the estimated cost of such work is \$2,400; that such proposed additional signal will allow a closer headway between southbound express trains entering said station, thus increasing the number of trains which can be passed through said station; that the heavy traffic at said point justifies the expenditure; that the estimated cost is reasonable; that the proposed installation is similar to one recently made on the northbound express track at said station, and recommend the approval of said proposal, subject to the condition that the location and all details of the installation of such additional signal shall be subject to the approval of the Chief Engineer of this Commission in advance of installation; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated December 19, 1923, has recommended that the cost of such work be classified as Additional Equipment for the Railroad and that Work Order No. DL-6-A be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that said proposal of Interborough Rapid Transit Company as aforesaid be and the same hereby is approved upon condition that the location and all details of installation of such additional signal shall receive the approval of the Chief Engineer of this Commission in advance of such installation, the cost of such work to be classified as Additional Equipment for the Railroad, as defined and described in said Contract No. 3 and as to which this Commission assigns Work Order No. DL-6-A.

1810—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for 5,000 Feet of Copper Cable—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated November 19, 1923, requesting approval of a proposed purchasing agent's order directed to Kerite Insulated Wire and Cable Company for furnishing 5,000 feet of copper cable at a cost of \$10,974.50 for use in supplying power to the third rails of the tracks and inspection barn at the 239th Street Yard.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated December 5, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Operating Materials and Supplies Account.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company by communication dated November 19, 1923, has submitted for the approval of this Commission proposed purchasing agent's order dated November 19, 1923, directed to Kerite Insulated Wire and Cable Company for the following:

5,000 Ft. 2,000,000 C.M. strand copper cable, 127 strands 4/32 Kerite Ins. 1 tape, 2 W.P. braid.

Price: \$2,194.90 per M. Ft. \$10,974.50

which proposed purchasing agent's order has been caused to be designated as "Approval No. 508"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated December 5, 1923, have reported that no other bids were taken for this material since Kerite insulation is standard with the railroad company, for this type of work; that the use of this insulation has heretofore been approved by the Public Service Commission for the First District; that the cable is necessary to supply power to the third rails of the car-storage tracks and to the inspection barn, now being completed at the 239th Street Yard of the Railroad, described in said Contract No. 3 and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated December 18, 1923 has recommended that such portion of such cable as is necessary for original installation be classified as Operating Materials and Supplies Account.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval made part of said proposed purchasing agent's order, the cable to be classified as recommended by the Auditor of Rapid Transit Costs as hereinbefore indicated.

1811—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Ties, Slating, Guard Rail, etc., for Maintenance of All Divisions—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated December 1, 1923, requesting approval of a proposed purchasing agent's order directed to

the Ansley Lumber Company, for furnishing ties, slatting, guard rail, etc., for the maintenance of all divisions, at a cost of \$133,923.27.

A report was presented from the Engineer of Equipment and Operation and Chief Engineer dated December 11, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the material as Operating Material and Supplies Account.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by communication dated December 1, 1923 has submitted for the approval of this Commission a proposed purchasing agent's order dated December 1, 1923 directed to Ansley Lumber Company for the following:

50,000 Ft. B. M. 1 $\frac{3}{4}$ " x 6" x 16' and up, slatting
 550,000 Ft. B. M. 2" x 6" x 18' and up, slatting
 40,000 Ft. B. M. 2 $\frac{3}{4}$ " x 9 $\frac{1}{2}$ " x 22' and up, planking
 365,000 Ft. B. M. 6" x 8" x 30' and up, Guard Rail
 371,200 Ft. B. M. 6" x 8" x 8' 0" Ties, 11,600 pcs.
 85,000 Ft. B. M. 6" x 8" x 8' 6" Ties, 2,500 pcs.
 126,000 Ft. B. M. 6" x 8" x 9' 0" Ties, 3,500 pcs.
 288,000 Ft. B. M. 6" x 8" x 12' 0" Ties, 6,000 pcs.
 24,000 Ft. B. M. 8" x 8" x 9' 0" Ties, 500 pcs.
 4,000 Ft. B. M. 10" x 10" x 30' Timber
 5,000 Ft. B. M. 10" x 12" x 24' to 30' Timber
 13,500 Ft. B. M. 12" x 12" x 30' Timber.

All of the foregoing to be Long Leaf Yellow Pine and to conform to the Manhattan Railway Division Standard Specifications for Track Timber, dated October 15, 1904.

1 $\frac{3}{4}$ " x 6" Slatting to be in length of 16' to 30' multiples of 2'.

2" x 6" Slatting to be in multiples of 4' 6" minimum length 18' and at least 50% to be 22' 6" and longer.

2 $\frac{3}{4}$ x 9 $\frac{1}{2}$ " Planking to contain 15% each of 22', 26' and 28', lengths, and the remainder to be 30' and longer.

6" x 8" Guard Rail to be 30' and up in lengths, multiples of 2'.

Ties to be saw-butted to exact length given.

Twenty (20) per cent of the items of 2" x 6" slatting and 6" x 8" guard rail to be shipped prior to the shipment of any other items.

All remaining shipments to embrace as nearly as possible an assortment of the different items proportionate in amount of each item to the total order.

Price: \$69.69 per M. Ft. Board Measure, finished sizes f. o. b. 159th Street and Harlem River Dock, N. Y. C. 2% ten days.

Total bid: \$133,923.27.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 509"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have by communication dated December 11, 1923 reported that the following bids were received for such material:

Ansley Lumber Company.....	\$69.69 per M. Ft.
Hughes Lumber Co.....	83.85 per M. Ft.
Robinson Lumber Co.....	85.00 per M. Ft.
Close Lumber Co.....	87.50 per M. Ft.
Long Bell Lumber Co.....	88.00 per M. Ft.
McLeod Lumber Co.....	93.00 per M. Ft.

that Invitations to bid were sent to thirty-seven other companies but no other bids were received; that such material is necessary for the maintenance of the railroad both in the Manhattan and Subway Divisions of said Interborough Rapid Transit Company; that the price to be paid is reasonable; that the quantity of lumber to be purchased is reason-

able for the amount of maintenance work to be done and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated December 14, 1923 has recommended that the cost of such material be classified as Operating Material and Supplies Account,

Resolved, That said reports and recommendations so submitted be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such material to be classified as Operating Material and Supplies Account.

1812—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Proposed Purchasing Agent's Order for Soot Blowers for 59th Street Power House—Report by Consulting Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company dated December 4, 1923, requesting approval of a proposed purchasing agent's order directed to Kissick-Fenno Company, Inc., for furnishing four sets of Soot Blowers to be installed in the 59th Street Power House at a cost of \$3,916.

A report was presented from the Consulting Engineer, Dr. Charles E. Lucke, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as Additional Equipment for the Railroad to be performed under Work Order D-11-A, heretofore assigned.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, known as Contract No. 3, said Interborough Rapid Transit Company, by communication dated December 4, 1923, has submitted for the approval of this Commission a proposed purchasing agent's order directed to Kissick-Fenno Co., Inc., for the following:

4 Sets Vulcan Soot Blowers, with Ratchet Swivel Heads	
Special parts only as specified, with Ratchet Swivel Heads, per boiler..	\$735.00
Element No. 1, of Vulcan Hardite, replacing Element No. 7, per boiler	85.00
	<hr/>
	\$820.00
Less 5% on purchase of blowers for 4 boilers.....	41.00
	<hr/>
	\$779.00
Erection, per boiler	200.00
	<hr/>
Price per set, delivered and erected.....	\$979.00
Total Bid: \$3,916.00	

which proposed purchasing agent's order has been caused to be designated as "Approval No. 511"; and

Whereas, The Consulting Engineer, Charles E. Lucke, of this Commission, has, by communication dated December 14, 1923, reported that these soot blowers are necessary as part of the equipment of the four new boilers now being installed in the 59th Street Power House; that the following bids were received for such work:

- Bayer Company, \$3,900, Within 60 days from date of order
- Kissick-Fenno Co., Inc., \$3,916 (2 sets within 4 weeks from date of order and 2 sets by March 1st, 1924).
- Diamond Power Specialty Corp., \$7,075, (Within 5 or 6 weeks from date of order).

; that it is believed the type of soot blower cleaner submitted by Kissick-Fenno Co., Inc. is the better type of the two lower bidders, and recommends that said proposed purchasing agent's order be approved; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated December 18, 1923, has recommended that such work be classified as Additional Equipment for the Railroad under Work Order No. D-11-A heretofore assigned,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission, made part of said proposed purchasing agent's order, the cost of such work to be classified as Additional Equipment for the Railroad under Work Order No. D-11-A, heretofore assigned by this Commission.

1813—R. T. 6761

Contract No. 3—Application by Interborough Rapid Transit Company for Approval of Purchase and Installation of Indication and Alarm System of Track Circuit Breakers in Certain Substations—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the Interborough Rapid Transit Company, dated November 20, 1923, requesting approval to the purchase and installation in substations Nos. 11, 12, 13, 26, 40 and 42, of an indication and alarm system of track circuit breakers.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated December 5, 1923, stating that the approximate cost will be \$5,300 and recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment for the Railroad and assigning Work Order No. D-34-A thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company known as Contract No. 3 said Interborough Rapid Transit Company by communication dated November 20, 1923, has requested the approval of this Commission to the purchase and installation by it in its Substations Nos. 11, 12, 13, 26, 40 and 42 of an indication and alarm system of the track circuit breakers of the New York Rapid Transit Corporation the opening and closing of which are controlled from said substations in connection with the supply of power pursuant to the agreement of August 1, 1917; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission by communication dated December 5, 1923 have reported that the approximate cost will be \$5,300 which is reasonable; that the installation of such equipment is desirable and recommend the approval of said proposal; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated December 18, 1923, has recommended that the cost of such work be classified as Additional Equipment for the Railroad and that Work Order No. D-34-A be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of Interborough Rapid Transit Company be and the same hereby is approved; the cost of the purchase and installation of such material to be classified as Additional Equipment for the Railroad as defined and described in said Contract No. 3 and as to which this Commission assigns Work Order No. D-34-A.

1814—R. T. 6567

Contract No. 3—Communication from Interborough Rapid Transit Company Submitting Copy of Objections to Thirty-Seventh Quarterly Determination of Cost—Referred to Chief Accountant

The Commission referred to the Chief Accountant, a communication dated December 21, 1923, from the Interborough Rapid Transit Company, by J. L. Quackenbush, General Attorney, submitting copy of objections by the Interborough Rapid Transit Company, to the Thirty-Seventh Quarterly Determination of Cost, rendered by the Chief Engineer, under Contract No. 3, the original of which had been filed with the Chief Engineer.

1815—R. T. 6553

Contract No. 4—Stipulation with New York Rapid Transit Corporation Extending Time to January 21, 1924, Within Which to File Objections to Thirty-seventh Quarterly Determination of Cost—Approved

The Commission approved a stipulation dated December 22, 1923, between the Commission and the New York Rapid Transit Corporation, extending the time to and including January 21, 1924, within which to file with the Chief Engineer of the Transit Commission, objections to the Thirty-Seventh Quarterly Determination of Cost rendered under Contract No. 4 and the Related Certificates.

1816—R. T. 6567

Contract No. 3—Communication from Acting Corporation Counsel Requesting Objections Be Made to Certain Items in Thirty-seventh Quarterly Determination of Cost—Communication to Chief Engineer Making Objections on Behalf of Corporation Counsel—Approved

A communication was presented from Arthur J. W. Hilly, Acting Corporation Counsel dated December 21, 1923, requesting that objections be made to certain items in the Thirty-Seventh Quarterly Determination of Cost, rendered under Contract No. 3.

The following communication to the Chief Engineer, was approved:

December 21, 1923.

ROBERT RIDGWAY, Esq.,
Chief Engineer,
TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sir:

The Transit Commission of the State of New York, by virtue of the provisions of Chapter 134 of the Laws of 1921 has examined the Quarterly Determination rendered by you dated August 30, 1923 for the period beginning April 1, 1922 and ended June 30, 1922, being the Thirty-seventh Quarterly Determination made pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and Interborough Rapid Transit Company, and desires to apprise you that it has no objections (except as hereinafter quoted) to file to the determinations therein made. On behalf of the Corporation Counsel of The City of New York, the Transit Commission, in compliance with the written request of said Corporation Counsel dated December 21, 1923 herewith files with you the following objections to the determinations made as aforesaid.

"TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sirs:

I am in receipt of the Thirty-seventh Quarterly Determination dated August 30, 1923, of the Chief Engineer for the Transit Commission, under contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and Interborough Rapid Transit Company, of the Cost Paid or Accrued to June 30, 1922, of Contract 3, together with Report of the Cost in Operation to June 30, 1922.

The City of New York objects to the said Determination as prepared by the Chief Engineer for the Transit Commission and especially refers to the following items; and the reasons for its objections thereto, to wit:

- (1) On Page 44 of the Thirty-seventh Determination this entry:
C. S. 33-1—2-3000 Ampere Breakers with boxes on
account of Seventh Avenue Subway Connection.. \$109.33
- (2) Also on Page 44:
C. S. 47-1—Repairs to plumbing of the Cortlandt
Street Station 59.50
This is a maintenance charge.
- (3) On Page 49:
C. E. 10-1—Changes in interlocking plant at Atlantic
Avenue on account of connection with Eastern
Parkway Line \$600.00
This item should be charged to 'Equipment.'
- (4) On Page 160 of the Thirty-seventh Determination, it is
stated that the total cost reported to June 30, 1922,
under Agreement No. 4 is..... \$103,998.34

Agreement No. 4 was consented to in the amount of \$100,000 by the Board of Estimate and Apportionment; and exception is taken to the inclusion under that agreement of all cost in excess of the amount consented to by the Board.

(5) Exception is taken to the inclusion within the Thirty-seventh Determination of each item on Pages 161 and 162 under proposed agreement No. 8.

Irrespective of the equity or fairness of the items so listed, exception is taken to the inclusion in the Determination of cost of any amount under a proposed agreement before it has received the consent of the Board of Estimate and Apportionment as provided by Contract No. 3.

(6) Objection is made to the inclusion within any or each of the Determinations of items covering the cost of the installation, maintenance, operation or removal of temporary equipment. It is conceded that the removal or replacement of items of equipment where such removal or replacement is incidental to construction may be properly charged as construction items. But definite exception is taken to the inclusion within construction costs of the installation, maintenance, operation or removal of temporary equipment. Equipment, its installation and operation, whether temporary or permanent, are proper charges against the operating Company's contribution to equipment under Contract No. 3, and should not under any circumstances be included in construction costs.

(7) Exception is taken to the inclusion within the Determination of items covering cost of construction or erection of special houses, shelter or protective coverings of special or regular items of equipment, except where the same are or may be properly included within the building or shelter on elevated or proposed portions of rapid transit lines for signal or other purposes. It is contended that the covering and protection of such items of equipment are in a large measure incidental to the nature of that equipment and that the City is not bound to cover or protect equipment aside from the general construction of the subway and the masonry ducts therein.

(8) Objection is made to the inclusion within any or in part the cost of replacements, removals, rearrangements, relocations, etc., of property previously existing. The amount of depreciation accrued on the replaced items should be credited

and only net cost representing net additions should be included within the determinations, in accordance with the definitions of costs of Contract No. 3.

(9) Exception is taken to items of interest on the 8 per cent. notes. These excessive charges of interest were made necessary because of the profligate manner in the handling of its finances by the Interborough Rapid Transit Company. Also, a large part of the moneys raised by the note issue were used to reimburse the treasury for past construction expenditures and not to finance new construction. Thus, objection is made to the charges on page 172 of \$409,999.52.

(10) Objection is made to the inclusion within any and each of the Determinations of items covering the allowance for Superintendence because the same are excessive and unreasonable.

(11) The City also takes exception to the inclusion within the Determination of each and every one of the several items which have been deducted by the Chief Engineer as improper charges of the lessee and which are given in detail upon page 144 of the Volume of Determinations.

In addition to the objections above set forth, further objection is made to the items so determined by the Chief Engineer by reason of the fact that they are deemed, by The City of New York, to be excessive, improper and unauthorized, by the provisions of Contract No. 3.

I, therefore, respectfully request that you file on behalf of The City of New York, with the Chief Engineer, objections to his determination, in order that redeterminations may be made by him under and in pursuance of the provisions of Contract No. 3.

Respectfully yours,

ARTHUR J. W. HILLY,
Acting Corporation Counsel."

1817—R. T. 6553

Contract No. 4—Communication from Acting Corporation Counsel Requesting Objections Be Made to Certain Items in Thirty-seventh Quarterly Determination of Cost—Communication to Chief Engineer Making Objections on Behalf of Corporation Counsel—Approved

A communication was presented from Arthur J. W. Hilly, Acting Corporation Counsel dated December 21, 1923, requesting that objections be made to certain items in the Thirty-Seventh Quarterly Determination of Cost, rendered under Contract No. 4.

The following communication to the Chief Engineer, was approved:

December 21, 1923.

ROBERT RIDGWAY, Esq.,
Chief Engineer,
TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sir:

The Transit Commission of the State of New York, by virtue of the provisions of Chapter 134 of the Laws of 1921 has examined the Quarterly Determination rendered by you dated August 30, 1923, for the period beginning April 1, 1922 and ended June 30, 1922, being the Thirty-seventh Quarterly Determination made pursuant to the provisions of

(1) the contract dated March 19, 1913 between The City of New York and New York Municipal Railway Corporation;

(2) the certificate dated March 19, 1913 granted by the Public Service Commission for the First District to New York Municipal Railway Corporation for additional tracks;

(3) the certificate dated March 19, 1913 granted by the Public Service Commission for the First District to New York Municipal Railway Corporation for elevated extensions;

and desires to apprise you that it has no objections (except as hereinafter quoted) to file to the determination therein made.

On behalf of the Corporation Counsel of the City of New York the Transit Commission, in compliance with the written request of said Corporation Counsel, dated December 21, 1923, herewith files with you the following objections to the determinations made as aforesaid:

"TRANSIT COMMISSION,
49 Lafayette Street,
New York City.
Sirs:

I am in receipt of the Thirty-seventh Quarterly Determination dated August 30, 1923, of the Chief Engineer for the Transit Commission under the contract dated March 19, 1913, between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4, and under the certificates related thereto of the Costs Paid or Accrued to June 30, 1922, of The Railroad, Reconstruction of Existing Railroads, Additional Tracks, Elevated Extensions.

The City of New York, under and in pursuance of the provisions of Contract No. 4, hereby files with you its objections to the Thirty-seventh Quarterly Determination of the Chief Engineer for the Transit Commission, dated August 30, 1923, and especially refers to the following items and the reasons for its objections thereto, to wit:

(1) Objection is made to the inclusion within any or each of the determinations of items covering in whole or in part of the cost of replacements, removals, rearrangements, relocations, etc., of property previously existing. The amount of depreciation accrued on the replaced items should be credited and only net cost representing net additions should be included within the determinations in accordance with the definitions of cost of Contract No. 4 and Related Certificates.

(2) The City takes exception to the interest cost as charged by the lessee under Contract No. 4; and supports the contention of the Chief Engineer that \$4,747,031.07 should be deducted from the Company's interest charge.

(3) The City also joins in taking exception to the inclusion in the Company's cost of the itemized charges noted on Page 198 in the 37th Determination under the heading of "Summary of Adjustments to Company's Reported Costs."

In addition to the objections above set forth, further objection is made to the items so determined by the Chief Engineer by reason of the fact that they are deemed, by The City of New York, to be excessive, improper and unauthorized under the provisions of Contract No. 4.

I, therefore, respectfully request that you file, on behalf of the City, with the Chief Engineer, objections to the said determination, in order that a redetermination may be made by him under and pursuant to the provisions of Contract No. 4.

Respectfully yours,

ARTHUR J. W. HILLY,
Acting Corporation Counsel."

1818—R. T. 7697

Additional Tracks and Extensions Certificates—Communication from Acting Corporation Counsel Requesting Objections Be Made to Certain Items in Statement of Cost of Additional Tracks and Extensions, for Period Ended June 30, 1922—Communication to Chief Engineer Making Objections on Behalf of Corporation Counsel—Approved

A communication was presented from Arthur J. W. Hilly, Acting Corporation Counsel, dated December 21, 1923, requesting that objections be made to certain items in the Statement of Cost of Additional Tracks and Extensions, rendered by the Chief Engineer, for the period ended June 30, 1922, under the certificates granted to the Manhattan Railway Company and the Interborough Rapid Transit Company.

The following communication to the Chief Engineer was approved:

December 21, 1923.

ROBERT RIDGWAY, Esq.,
Chief Engineer,
TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sir:

On behalf of the Corporation Counsel of The City of New York the Transit Commission in compliance with the written request of said Corporation Counsel dated December 21, 1923, herewith files with you the following objections to your report dated August 30, 1923, of the Cost to June 30, 1922 of Manhattan Railroad Extensions and Additional Tracks authorized by the certificate granted to Interborough Rapid Transit Company for Elevated Extensions and the certificate granted to the Manhattan Railway Company for Additional Tracks dated March 19, 1913, granted by the Public Service Commission for the First District:

"TRANSIT COMMISSION,
49 Lafayette Street,
New York City.

Sirs:

I am in receipt of the Report dated August 30, 1923, of the Chief Engineer for the Transit Commission of the Cost to June 30, 1922, of Manhattan Railroad Extensions and Additional Tracks, authorized by the certificate granted the Interborough Rapid Transit Company for Elevated Extensions and certificate granted the Manhattan Railway Company for Additional Tracks, March 19, 1913, by the Public Service Commission for the First District.

The City of New York objects to the said Report of the Chief Engineer for the Transit Commission, and especially refers to the following items and the reasons for its objections thereto, to wit:

(1) Objection is made to the inclusion within any or each of these reports of items covering in whole or in part the cost of replacements, removals, rearrangements, relocations, etc., of property previously existing. The amount of depreciation accrued on the replaced items should be credited and only net cost representing net additions should be included in these costs, in accordance with the definitions of costs of the certificates granted to the Interborough Rapid Transit Company and to the Manhattan Railway Company.

(2) Exception is taken to items of interest on the 8 per cent. notes. These excessive charges of interest were made necessary because of the profligate manner in the handling of its finances by the Interborough Rapid Transit Company. Also, a large part of the moneys raised by the note issue were used to reimburse the treasury for past construction expenditures and not to finance new construction. Thus, objection is made to the following amounts on pages 104 and 105:

\$32,882.94
27,767.37
27,767.37
5,134.50

(3) Objection is made to the inclusion within any and each of the Determinations of items covering the allowance for Superintendence because the same are excessive and unreasonable.

(4) The City also joins in taking exception to the inclusion in costs of the itemized charges noted on pages 2 and 3 in the Report under the heading of 'Questioned Items.'

In addition to the objections above set forth, further objection is made to the items contained in the said Report of Cost by reason of the fact that they are deemed, by the City of New York, to be excessive, improper and unauthorized.

I, therefore, respectfully request that you file on behalf of The City of New York, with the Chief Engineer, objections to his Report dated August 30, 1923, of the Cost to June 30, 1922, and that these items be disallowed.

Respectfully yours,

ARTHUR J. W. HILLY,
Acting Corporation Counsel."

Although the Transit Commission does not understand that your report constitutes any "statement in writing" such as Article XI of the Elevated Extensions Certificate and Article X of the Additional Tracks Certificate contemplate are to be presented to the Commission by Interborough Rapid Transit Company and Manhattan Railway Company, and although under said Certificates there are no provisions for "determinations," nor even for "reports," to be made by the Chief Engineer, nor for objections to be made thereto, the above quoted objections on behalf of the Corporation Counsel are made to you for such effect, if any, to which they may be entitled. The making of the above objections to your said report, on behalf of the Corporation Counsel, will not, of course, serve in any way to affect or prejudice any right on the part of the Commission to agree to or to object to any statement or statements in writing, such as are contemplated by said certificates, whenever any such statements shall have been presented to the Commission.

TRANSIT COMMISSION,
By GEORGE McANENY,
Chairman.

1819—R. T. 6481

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Furnishing Car Heaters for Fifty New Trailer Cars—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated December 3, 1923, requesting approval of a proposed purchasing agent's order directed to the Consolidated Car Heating Company, for furnishing 1500 car heaters, at a total cost of \$12,750, for installation in 50 new trailer cars.

A report was presented from the Engineer of Equipment and Operation, and the Chief Engineer dated December 11, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work as Additional Equipment, to be performed under Work Order No. MBA-25 heretofore assigned.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation as successor to the rights and obligations under said Contract No. 4 has submitted for the approval of this Commission by communication dated December 3, 1923, a proposed purchasing agent's order dated December 1, 1923, directed to Consolidated Car Heating Co. for the following:

For Trailer Cars 4000 to 4049 Inclusive

1500 Panel Type Electric Car Heaters, Dimensions and Drilling same as shown on Plan Sk. B-407 furnished \$8.50 Each Delivered

which proposed purchasing agent's order has been caused to be designated as "Approval No. 391"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated December 11, 1923, reported that the said car heaters are necessary for installation in the fifty new trailer cars now being procured under said Contract No. 4; that the following bids were taken for such material:

Consolidated Car Heating Co.....	\$8.50 each
Gold Car Heating and Lighting Co.....	8.25 each
Cutler Hammer Mfg. Co.....	7.90 each

that the heaters are a standard item of car equipment; that the proposed heater is superior to any of those proposed by the other bidders and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated December 19, 1923, has recommended that the cost of such equipment be classified as Additional Equipment for the Railroad under Work Order No. MBA-25 heretofore assigned by this Commission,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such equipment to be classified as Additional Equipment for the Railroad, as defined and described in said Contract No. 4, under Work Order No. MBA-25 heretofore assigned by this Commission.

1820—R. T. 6695

Contract No. 4—Application by New York Rapid Transit Corporation Requesting Approval of Installation of Signals at Stillwell Avenue Station—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated November 15, 1923, requesting approval of the installation of a set of signals at the southerly end of the platform of the Stillwell Avenue Station at a cost of \$800.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated December 19, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work and assigning Work Order No. MCR-20 thereto.

The following resolution was adopted:

Whereas, Pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, W. S. Menden as President of New York Rapid Transit Corporation, the successor to the rights and obligations under said Contract No. 4 addressed to the Chief Engineer of this Commission under date of November 15, 1923, the following communication:

"On Track 'C' at Stillwell Avenue Station, Coney Island, our summer operating arrangements requires six (6) car standing room at the northerly end of the station track and in the winter six (6) car standing room at the southerly end of the station track. In the present signaling, signals C-792 and C-793 are located near the southerly end of the platform so that while right for the summer operation they do not provide the proper arrangement for the winter operation.

We proposed to install a duplicate set of signals six (6) car lengths north of the southerly end of the platform with an arrangement of duplicate wiring connections so that one pair of signals can be cut into service in the spring and the other in the fall. This will involve an expenditure of approximately \$800.

Will you please advise if you approve of this additional signaling and also the classification of this work from an accounting standpoint."

; and

Whereas, The Chief Engineer of this Commission by communication dated December 19, 1923 recommends that the said proposal aforesaid be approved; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated December 19, 1923 has recommended that the cost of such work be paid for out of that portion of the moneys of the "Depreciation Fund for Existing Railroads," which has been made available by Retirements from Service and that Work Order No. MCR-20 be assigned thereto,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposal of New York Rapid Transit Corporation as hereinbefore

set forth be and the same hereby is approved, the cost thereof to be paid for out of that portion of the moneys of the "Depreciation Fund for Existing Railroads" which has been made available by Retirements from Service and as to which this Commission assigns Work Order No. MCR-20.

1821—R. T. 6668, 6895

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Installation of Additional Signal Apparatus in Montague Street Tunnel—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation dated November 28, 1923, requesting approval of a proposed purchasing agent's order directed to the General Railway Signal Company for additional signal apparatus in the Montague Street Tunnel from a point west of Court Street Station to the DeKalb Avenue Station at an estimated cost of \$25,033.50.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer dated December 8, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs classifying the work as described below.

The following resolution was adopted:

Whereas, By resolution adopted July 24, 1923 this Commission, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District, and New York Municipal Railway Corporation, known as Contract No. 4 approved the proposal of New York Rapid Transit Corporation, as successor to the rights and obligations under said Contract No. 4 to make certain signal changes and the installation of additional signal apparatus in the Montague Street Tunnel of the Broadway-Fourth Avenue line of the Railroad as described in said Contract No. 4 from a point west of Court Street Station to the DeKalb Avenue Station, in the Borough of Brooklyn, at an estimated cost of \$35,100, upon the condition that the cost thereof be charged as follows:

(1) That the cost of new signal apparatus on account of placing Lawrence Street Station in operation be classified as Equipment of the Railroad for Initial Operation.

(2) That the cost of new signal apparatus necessary to expedite train operation, to an amount equal to the original cost of facilities retired on account of this work, be charged to maintenance. The salvage of facilities retired to be credited to maintenance and the cost of removing or rearranging existing facilities to be charged to maintenance.

(3) That the cost of new signal apparatus necessary to expedite train operation, in excess of the original cost of facilities retired on account of this work, be classified as Additional Equipment for the Railroad and as to which this Commission assigns Work Order No. MBA-26.

; and

Whereas, By communication dated November 28, 1923 said New York Rapid Transit Corporation, pursuant to the authority aforesaid, has submitted for the approval of this Commission, a proposed purchasing agent's order dated November 27, 1923 directed to General Railway Signal Company for the following:

General Railway Signal Company Catalogue

28	40 way iron junction boxes, Ref. GRS Co's drawing 45850— A Pg. 1, complete with RSA terminals.....	\$37.50 each net
6	98 way iron junction boxes, Ref. GRS Co. drawing 48590— 1 complete with RSA terminals.....	75.00 each net
17	Junction boxes complete for use with standard relay boxes, Ref. GRS Co. Dwg. 48783. Revision dated 4/19/19.....	25.00 each net

- 2 Line Transformers complete with oil and without hanger irons. Capacity 1½ K. V. A. Primary Volts 2200, Secondary volts 110 (55-55), Frequency—25 cycle. Primary winding to have 5% & 10% reduced voltage taps. Ref. GRS Co's Type L, size 3..... \$80.00 each net

f. o. b. Point of shipment

Part shipment within two months and shipment completed within three to four months from date of order.

Additional items forming part of this proposed order as per list attached.

which proposed purchasing agent's order has been caused to be designated as "Approval No. 390"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission, have by communication dated December 8, 1923 reported that the work indicated in said proposed purchasing agent's order is that authorized by resolution adopted on July 24, 1923 as aforesaid; that the total cost of such work will be \$25,033.50; that the following companies were requested to bid on the material

- Federal Signal Co.
- Union Switch and Signal Co.
- Hall Switch and Signal Co.
- Chicago Railway Signal and Supply Co.

but did not submit a bid; that the unit prices to be paid are reasonable; that the General Railway Signal Company has furnished satisfactory apparatus in the past and is a reliable concern and recommend the approval of said proposed purchasing agent's order so submitted; and

Whereas, The Auditor of Rapid Transit Costs, by endorsement dated December 18, 1923 has recommended that the cost of such material be classified in accordance with the direction with respect thereto contained in the resolution of July 24, 1923 adopted as aforesaid,

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such material to be classified in accordance with the direction and pursuant to the work order number assigned in the resolution of July 24, 1923 as aforesaid.

1822—R. T. 6597

Contract No. 4—Application by New York Rapid Transit Corporation for Approval of Proposed Purchasing Agent's Order for Furnishing Turnstiles and Parts—Report by Engineer of Equipment and Operation and Chief Engineer Recommending Approval—Approval Resolution

An application was presented from the New York Rapid Transit Corporation, dated October 26, 1923, requesting approval of a proposed purchasing agent's order directed to Perey Mfg. Company, Inc., for furnishing prepayment turnstiles and parts for use at various stations at a cost of \$10,250.

A report was presented from the Engineer of Equipment and Operation and the Chief Engineer, dated December 1, 1923, recommending that the application be approved, which report was endorsed by the Auditor of Rapid Transit Costs, classifying the work and assigning Work Order Nos. as described below:

The following resolution was adopted:

Whereas, pursuant to the provisions of the contract dated March 19, 1913 between The City of New York, acting by the Public Service Commission for the First District and New York Municipal Railway Corporation, known as Contract No. 4, New York Rapid Transit Corporation as successor to the rights and obligations under said Contract

No. 4 has submitted for the approval of this Commission proposed purchasing agent's order dated October 26, 1923 directed to Perey Mfg. Company, Inc., for the following:

Furnish and deliver the following equipment:

Item No. 1—One (1) New Standard Wing Type Manual Release Passimeter, equipped with wooden arms, for the sum of..... \$160.00

Item No. 2—Seven (7) Electrically Operated Prepayment Passimeters with coin boxes, etc. These Passimeters are to have cast wings for fastening same to side of ticket booth same as standard wing type passimeters.

Passimeters shall be equipped with automatic locking and magnetic release mechanism, compression spring centering device, quick break circuit breaker, wooden arms, etc. all as indicated upon our drawing C-5742.

Coin boxes, complete, to be 12"x12"x3'-3¾" with automatic magnetic release, coin return, counting register and money bag. The entire mechanism, shall be properly mounted in the coin box, ready for operation, all as shown on Dwg. C-5744 for the sum of.. \$1,750.00

Item No. 3—Thirty (30) Electrically Operated prepayment passimeters with coin boxes, etc. complete.

Passimeters shall be equipped with automatic locking and magnetic release mechanism, compression spring centering device, quick break circuit breaker, wooden arms, etc. all as indicated upon our Dwg. C-5742.

Coin boxes to be 12"x12"x3'-3¾" and are to be furnished complete with automatic magnetic release, coin return and counting register. The entire mechanism shall be equipped with a money drawer, together with a shutter with automatic locking device and lock. One additional money drawer shall be furnished with each coin box, all as indicated upon our Dwgs. C-5740 and C-5743 for the sum of..... \$7,500.00

which proposed purchasing agent's order has been caused to be designated as "Approval No. 385"; and

Whereas, The Engineer of Equipment and Operation and the Chief Engineer of this Commission have, by communication dated December 1, 1923, reported that such material constitutes turnstiles and parts for forty-one automatic turnstile installations and one manually-controlled turnstile at a total cost of \$10,250; that such turnstiles are to be installed in the stations of the 14th Street-Eastern Line, Lawrence Street Station, Montague Street, Union Square and Queens Plaza Stations, Broadway-Fourth Avenue Line and Twentieth Avenue Station of the West End Line; that the use of automatic turnstiles of this type has been approved by this Commission; that the prices are reasonable and recommend the approval of said proposed purchasing agent's order; and

Whereas, The Auditor of Rapid Transit Costs by endorsement dated December 1, 1923 has recommended that the cost of such material be classified as follows:

Prepayment turnstiles and parts for 14th St.-Eastern Line, and
Prepayment turnstiles and parts for Lawrence St. Station of the Broadway-4th Avenue Line:

Equipment of The Railroad.

Prepayment turnstile parts for 20th Ave. Station of the West End Branch, and
Prepayment turnstile parts for Queens Plaza Station,

Broadway-4th Avenue Line:

Additional Equipment for The Railroad under Work Order No. MBA-21 heretofore assigned.

Prepayment turnstiles for Union Square Station of the Broadway-4th Ave. Line:

Additional Equipment for The Railroad under Work Order No. MBA-14 heretofore assigned.

Resolved, That said reports and recommendations be and the same hereby are approved; that the said proposed purchasing agent's order so submitted be and the same hereby is approved and that the Chairman of this Commission be and hereby is authorized and directed to execute the form of approval of this Commission made part of said proposed purchasing agent's order, the cost of such material to be classified as recommended by the Auditor of Rapid Transit Costs as hereinbefore set forth.

1823—R. T. 7592

Route No. 11-B, Section No. 3—Communication from New York Rapid Transit Corporation Submitting Plan Showing Additional Tracks Which Should Be Constructed Between 85th Street and 95th Street Stations—Report by Chief Engineer Recommending that Company Be Advised that Extension Will Be Built in Accordance with Contract Drawings—Report by Chief Engineer Approved

A communication was presented from the New York Rapid Transit Corporation dated December 1, 1923, submitting a plan showing additional tracks which should be constructed between 85th Street and 95th Street Stations of the Fourth Avenue Subway so as to provide adequate switching and storage facilities.

A report was presented from the Chief Engineer dated December 17, 1923, calling attention to his recommendation dated July 21, 1923, which was approved on September 28, 1923, that the company be advised that the additional storage tracks will not be considered and that the extension will be constructed in accordance with the contract drawings already prepared and recommending that the company be again advised that the extension will be built in accordance with the drawings of the work which is now under contract.

Upon motion duly seconded and adopted, the report was approved.

1824—R. T. 6317

Routes Nos. 36 & 37—Petition from Queens Chamber of Commerce Requesting Approval of Addition of Name of Astoria Avenue to Name of Hoyt Avenue Station—Report by Chief of Transit Bureau Recommending Approval—Approved

A petition was presented from the Queens Chamber of Commerce dated December 19, 1923, requesting the addition of the name of Astoria Avenue to the name of the Hoyt Avenue Station of the Astoria Branch of the Queensboro Subway.

A report was presented from the Chief of the Transit Bureau dated December 26, 1923, recommending that the name of Astoria Avenue be added to the Hoyt Avenue signs.

Upon motion duly seconded and adopted the petition and report were approved and referred to Counsel to prepare the necessary papers.

1825—Cases 1264, 1380

The Long Island Railroad Company—Alteration of Grade Crossings at Hempstead and Jamaica Turnpike, etc.—Report and Opinion Approved—Resolution Directing Executing of Certificate of Partial Performance of Work and Further Payment on Account Approved—Certificate Executed

The Secretary presented a Report and Opinion in Cases Nos. 1264 and 1380, dated December 21, 1923, by Carleton S. Cooke, Assistant Counsel, recommending partial payment of \$86,000 each by the City and State of New York, on account of the elimination by The Long Island Railroad Company of grade crossings with its tracks at Hempstead and Jamaica Turnpike et al.

Thereupon the above mentioned Report and Opinion in Cases Nos. 1264 and 1380 was approved, a resolution therein approved and ordered filed in the following form:

Present:

GEORGE McANENY, Chairman, LE ROY T. HARKNESS, JOHN F. O'RYAN,	}	Commissioners.
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IN THE MATTER of the Hearing on Motion of the Commission on the question of alterations and changes in the following grade crossing with the tracks of The Long Island Railroad Company: Hempstead and Jamaica Turnpike
IN THE MATTER of the Hearing on Motion of the Commission on the question of alterations and changes in the following grade crossings with the tracks of The Long Island Railroad Company: Bennett or Baylis Avenue Wertland Avenue Creed Avenue Madison Avenue

CASE No. 1264.

RESOLUTION AUTHORIZING
 CERTIFICATE OF PARTIAL
 PERFORMANCE OF WORK AND
 PAYMENT ON ACCOUNT.

CASE No. 1380.

Whereas, A final order and determination herein was made by the Public Service Commission for the First District on December 8, 1911 and modified by the order of the Transit Commission on December 7, 1922 determining the manner in which the following grade crossings with the tracks of The Long Island Railroad Company should be altered or changed, viz: Hempstead and Jamaica Turnpike, Bennett or Baylis Avenue, Wertland Avenue, Creed Avenue and Madison Avenue; and

Whereas, The Long Island Railroad Company has proceeded with the work of altering or changing said grade crossings substantially as required by said order and determination and has made substantial progress in such work; and

Whereas, Said Long Island Railroad Company has submitted a second verified intermediate or partial statement or account to the Commission showing certain expenditures by it in and about the work of carrying out the provisions of said order and determination; and

Whereas, After a hearing on said second partial accounting duly held on December 18, 1923, before Carleton S. Cooke, Assistant Counsel to the Commission, designated and certified to conduct the hearing herein by resolution of the Commission dated December 5, 1923 pursuant to Sections 8 and 11 of the Public Service Commission Law, the Commission after reading and filing the report and opinion of said Assistant Counsel, dated December 21, 1923 is of the opinion that the Long Island Railroad Company has expended at least the sum of \$766,755.42 on account of the necessary work of carrying out the provisions of said order and determination aforesaid, provided, however, that the rights of the Commission and of the City of New York to object to or contest any of the items or expenditures in said partial accounting should be reserved without prejudice to objection or contest of any of such items or expenditures upon future partial or final accountings herein and that no party shall upon future or partial accountings herein be precluded from contesting any expenditures made or hereafter to be made during the entire performance of the work necessary to comply with said order as modified; and

Whereas, By resolution and certificate of the Commission dated September 6, 1923, the Transit Commission found that a payment of \$70,000 each by the State of

New York and the City of New York to the Long Island Railroad Company on account of the balance due from the State and City to said railroad subject to the proviso contained in such resolution and certificate,

Now, Therefore, It is

Resolved, That the Chairman and Secretary of the Commission be and they are hereby authorized to execute and file with the Comptroller of the State of New York a certificate in the form attached hereto and made a part hereof that work to the extent of at least \$766,755.42 has been properly performed by the Long Island Railroad Company on account of the necessary work of carrying out the provisions of said order and determination subject to the proviso aforesaid.

Further Resolved, That pursuant to the provisions of the Railroad Law, payment by the State of New York to the Long Island Railroad Company of \$86,000, being a proper and conservative payment on account of the balance due or to become due from the State of New York to the Long Island Railroad Company as its share of the cost of said work is hereby directed.

Further Resolved, That pursuant to the provisions of the Railroad Law, payment by the City of New York to the Long Island Railroad Company of \$86,000, being a proper and conservative payment on account of the balance due or to become due from the City of New York to the Long Island Railroad Company as its share of the cost of said work is hereby directed.

By the COMMISSION,
JAMES B. WALKER,
Secretary.

The Certificate authorized by the foregoing resolution was executed in the following form:

STATE OF NEW YORK,
TRANSIT COMMISSION.

<p>IN THE MATTER of the Hearing on Motion of the Commission on the question of alterations and changes in the following grade crossing with the tracks of The Long Island Railroad Company: Hempstead and Jamaica Turnpike</p>	<p>CASE No. 1264.</p> <p>CERTIFICATE OF PARTIAL PERFORMANCE OF WORK AND PAYMENT ON ACCOUNT. DECEMBER 27, 1923.</p>
<p>IN THE MATTER of the Hearing on Motion of the Commission on the question of alterations and changes in the following grade crossings with the tracks of The Long Island Railroad Company: Bennett or Baylis Avenue Wertland Avenue Creed Avenue Madison Avenue</p>	<p>CASE No. 1380.</p>

A final order and determination having been made herein on December 8, 1911 by the Public Service Commission for the First District and modified by order of the Transit Commission on December 7, 1922, determining the manner in which the following grade crossings with the tracks of the Long Island Railroad Company should be altered or changed. Hempstead and Jamaica Turnpike, Bennett or Baylis Avenue, Wertland Avenue, Creed Avenue, Madison Avenue, and it appearing that the Long Island Railroad Company, pursuant to the provisions of the Railroad Law and under the supervision and direction of this Commission has proceeded with the work of altering or changing said grade crossings substantially as required by said order and determination

and has made substantial progress in such work, and this Commission having theretofore by certificate of partial performance of work and payment on account authorized by resolution of the Commission dated September 6, 1923 certified first payments on account to the Long Island Railroad Company of \$70,000 each by the State of New York and the City of New York, and the Long Island Railroad Company having on or about the 3rd day of October, 1923 submitted to the Transit Commission its request for a second partial or intermediate accounting and the said railroad company having further submitted its verified intermediate or partial statement of account showing certain expenditures by it in and about the work of carrying out the provisions of said order and determination, and a hearing on said partial accounting having been held before Carleton S. Cooke, Assistant Counsel to the Commission, duly designated to conduct the same on the 18th day of December, 1923; and it appearing that the Long Island Railroad Company has expended at least the sum of \$766,755.42 on account of the necessary work of carrying out the provisions of said order and determination, provided however that the rights of the Commission and of the City of New York to object to or contest any of the items or expenditures in said second partial accounting shall be reserved without prejudice to objection or contest of any of such items or expenditures upon future partial or final accountings herein and that no party shall upon future partial or final accountings herein be precluded from contesting any expenditures nor from submitting any further expenditures made or hereafter to be made during the entire performance of the work necessary to comply with said order as modified,

Now, Therefore, The Transit Commission of the State of New York does hereby certify:

First: That an order determining the manner in which the following grade crossings with the tracks of the Long Island Railroad Company should be altered or changed: Hempstead and Jamaica Turnpike, Bennett or Baylis Avenue, Wertland Avenue, Creed Avenue, Madison Avenue, was made by the Public Service Commission for the First District on December 8, 1911 and modified by order of the Transit Commission on December 7, 1922.

Second: That heretofore and on or about the 6th day of September, 1923, this Commission by resolution authorized a certificate of partial performance of work and payment on account by the City of New York and the State of New York to the Long Island Railroad Company of \$70,000 each subject to the provisos contained in said certificate.

Third: That the Long Island Railroad Company has proceeded with the work of altering said grade crossings and has made further substantial progress therewith under the supervision of the Commission pursuant to said order and determination.

Fourth: That the Long Island Railroad Company has expended in such work at least the sum of \$766,755.42, the items and expenditures in connection with such work being subject to the proviso hereinbefore set forth.

Fifth: That subject to such proviso a second payment of \$86,000 on account of the balance due from the State of New York to the Long Island Railroad Company is due from the State of New York to the Long Island Railroad Company.

Sixth: That subject to such proviso a second payment of \$86,000 on account of the balance due from the City of New York to the Long Island Railroad Company is due from the City of New York to the Long Island Railroad Company.

TRANSIT COMMISSION OF THE STATE OF NEW YORK,

By GEORGE McANENY,

Chairman.

Attest:

JAMES B. WALKER,
Secretary.

1826—Case 2628

New York Rapid Transit Corporation—Service and Equipment—Order Approving Train Schedules on Sea Beach Line, etc., Adopted

The Secretary presented reports dated December 19 and 26, 1923, by George F. Daggett, Chief of Transit Bureau, approved by George L. Lucas, Acting Chief Executive Officer, on December 26, 1923, recommending the approval of train schedules effective as of September 24, 1923, on the Sea Beach Line, Fulton Street Line, Lexington

Avenue Line, Fourth Avenue Line and the Broadway Elevated Line, operated by the New York Rapid Transit Corporation.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2628, approving the above mentioned train schedules.

1827—Case 2700

The Staten Island Rapid Transit Railway Company and the Staten Island Railway Company—Service and Equipment—Discontinuance Order Adopted

The Secretary presented a report, dated December 3, 1923, by George F. Daggett, Chief of Transit Bureau, advising that all complaints had been disposed of and there was no reason for holding Case No. 2700 with respect to service and equipment on lines of The Staten Island Rapid Transit Railway Company et al., open any longer.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2700, discontinuing the proceedings with respect to the above matter, without prejudice to any of the parties thereto.

1828—Case 2706

Eighth Avenue Railroad Company—Application for Authority to Issue \$750,000 Additional Bonds Secured by Mortgage on Real Estate—Hearing Order Adopted

The Secretary presented a petition, dated December 21, 1923, of the Eighth Avenue Railroad Company asking authority to issue its mortgage on certain real estate in the Borough of Manhattan in the sum of \$750,000.

Thereupon the Commission adopted and ordered filed an Order in Case No. 2706, directing a hearing on said application on January 7, 1924 at 10:30 A. M., certifying and authorizing James B. Walker, Secretary to the Commission, pursuant to Sections 8 and 11 of the Public Service Commission Law to conduct said hearing, to take the testimony therein, and report same to the Commission with his opinion thereon for its decision and determination.

1829

Interborough Rapid Transit Company and New York Rapid Transit Corporation—Communications to and from Companies Relative to Recommendations of Kings County Grand Jury for June as to Trackwalkers, etc.—Filed

The Secretary presented copies of communications, dated October 26, 1923, addressed to the Interborough Rapid Transit Company, and October 24, 1923, addressed to the New York Rapid Transit Corporation, reading as follows:

October 26, 1923.

INTERBOROUGH RAPID TRANSIT COMPANY,
165 Broadway,
New York City.
Gentlemen:

As a result of an investigation of the serious accident occurring at Atlantic Avenue and Flatbush Avenue, Brooklyn, on June 26, 1923, the Kings County June Grand Jury, in a presentment recently made, has offered a number of recommendations bearing upon the operation of elevated railway trains within the city, certain of which, in the opinion of the Transit Commission, are of sufficient importance to call officially to your attention.

While the presentment in question had to do immediately with the elevated structure,

the equipment and the practices of the Brooklyn-Manhattan Company, the Commission is of the opinion that wherever its recommendations affect other companies engaged in elevated transportation, an equal effort should be made to effect any improvement that may be practicable along the lines they suggest. For this reason the Commission is inclined to ask that the attention of your Company be also given the recommendations in question and, that wherever there is room for improvement, you will act upon them.

It was the conclusion of the Grand Jury, as a result of the evidence submitted to it, that trackwalkers employed upon elevated structures have frequently been of an inferior type, and that such should be replaced by more intelligent men. While it is realized that there may be present difficulty in obtaining competent help, it is believed that improvement may well be made in this regard.

The Grand Jury also recommended the shortening of the amount of line now assigned to individual trackwalkers, believing that it is impossible for one man to cover efficiently and at proper intervals the amount of territory apparently assigned to each. The Commission will be glad to have information as to the present practice of your Company in this respect with the operation of the Manhattan elevated lines and as to any measures of improvement that may properly be taken.

A further recommendation deals with the amount of bonus paid to employees who discover defective equipment or construction of a dangerous or threatening nature. It is recommended that the amount of such bonuses be increased, as a means of quickening the interest of employees in the proper condition of equipment. The practice in this respect, we understand, has been changed somewhat since the war period, and it is possible that the matter is now of sufficient importance to warrant a careful review with the idea of increasing the rate of bonuses paid, as well as the list of items upon which they may be paid. The Commission will be glad to have a statement indicating exactly your present practice in the matter of the payment of bonuses covering the inspection of both cars and line, and your proposals as to increases either in rates or in items.

A recommendation is made that inside steel guard rails be used to the limit of practicability at switches or other vulnerable points. Rails of this sort usually have not been installed upon elevated lines. You are requested to see that they are now installed at all points where it is physically possible to employ them.

Some criticism was directed toward the running of trains through frogs and switches at excessive rates of speed. It is understood that your employees have certain general instructions covering this matter and that at particularly dangerous points special indicating devices or signals have been installed that are supposed to limit speeds to proper rates. The Commission would be glad to be advised, however, as to the fixed procedure through which these rules are enforced. It would like, particularly, to be acquainted with the method under which you receive what you consider to be satisfactory assurances that your instructions to employees as to speed of operation through switches and special work are followed, and as to what further precautionary measures might be taken in this regard.

I am,

Very truly yours,
JAMES B. WALKER,
Secretary.

October 24th, 1923.

NEW YORK RAPID TRANSIT CORPORATION,
85 Clinton Street,
Brooklyn, N. Y.

Gentlemen:

As a result of an investigation of the serious accident occurring at Atlantic Avenue and Flatbush Avenue, Brooklyn, on June 26, 1923, the Kings County June Grand Jury, in a presentment recently made, has offered a number of recommendations, certain of which, in the opinion of the Transit Commission, are of sufficient importance to call officially to your attention, with the request that you do everything that may be possible to comply with them.

It was the conclusion of the Grand Jury, as a result of the evidence submitted to it, that the trackwalkers employed upon the elevated structure have been of an inferior type and should be replaced by more intelligent men. While it is realized that there may be present difficulty in obtaining competent help, it is believed that im-

provement can be made in this regard, and you are requested to make an active effort to eliminate any incompetence of this description.

The Grand Jury also recommended the shortening of the amount of line now assigned to individual trackwalkers, believing that it is impossible for one man to cover efficiently and at proper intervals the amount of territory now assigned to each. The Commission will be glad to have information as to your present practice in this respect and as to what improvements you propose for bettering such practice.

A further recommendation deals with the amount of bonus paid to employees who discover defective equipment or construction of a dangerous or threatening nature. It is recommended that the amount of such bonuses be increased as a means of quickening the interest of employees in the proper condition of equipment. The practice in this respect, we understand, has been changed somewhat since the war period, and it is possible that the matter is now of sufficient importance to warrant a careful review with the idea of increasing the rate of bonuses paid, as well as the list of items upon which they may be paid. The Commission will be glad to have a statement indicating exactly your present practice in the matter of the payment of bonuses covering the inspection of both cars and line, and your proposals as to increases either in rates or in items.

A recommendation is made that inside steel guard rails be used to the limit of practicability at switches or other vulnerable points. Rails of this sort usually have not been installed upon elevated lines. You are requested to see that they are now installed at all points where it is physically possible to employ them.

A criticism was made of the excessive rates of speed frequently maintained in running trains through frogs and switches. It is understood that your employees have certain general instructions covering this matter, and that at particular dangerous points you have installed special indicating devices or signals that are supposed to limit speeds to proper rates, but it is not clear that you have any fixed procedure for the enforcement of these rules. Will you please advise the Commission as to the nature of the procedure actually employed under which you receive what you consider to be satisfactory assurances that your instructions as to speed of operation through switches and special work are followed, and as to what further precautionary measures you propose to take in this regard.

Please give the above submitted questions your early consideration.

Very truly yours,
JAMES B. WALKER,
Secretary.

The Secretary also presented replies from the above mentioned companies, dated December 19, 1923, from the Interborough Rapid Transit Company, and November 8, 1923, from the New York Rapid Transit Corporation, to the foregoing communications, reading as follows:

INTERBOROUGH RAPID TRANSIT COMPANY
165 Broadway.

New York, December 19, 1923.

JAMES B. WALKER, Esq.,
Secretary, TRANSIT COMMISSION,
No. 49 Lafayette Street,
New York City.

Dear Sir:

Referring to your letter of October 26th, calling attention to certain recommendations bearing upon the operation of elevated railway trains, made by the Kings County June Grand Jury, following investigation of an accident occurring on the lines of the Brooklyn-Manhattan Company, and requesting a statement indicating the present practice of this Company in the matters referred to:

As I advised you under date of October 29th, I took this matter up with the heads of departments concerned with the various questions, who have given the matter consideration, as a result of which I now advise you with respect to the various items enumerated in your letter as follows:

1. That it was the conclusion of the Grand Jury that "track walkers employed upon elevated structures have frequently been of an inferior type, and that such should be replaced by more intelligent men."

It is the practice of the Engineering Department of this Company to select the most competent track men as track walkers. Many of them have had years of service as track walkers and it is believed they are thoroughly competent to do the work expected of them. It must also be remembered that the track is inspected by foremen, supervisors and the Road Master, as well as by the track walkers. While better educated men might be used as track walkers, it is the opinion of our Engineering Department that such men would not give the same reliable and conscientious service for the length of time now obtained from the class of men at present employed.

2. That the Grand Jury also recommended "the shortening of the amount of line now assigned to individual track walkers." In the apportioning of sections to track walkers, it is the practice to give consideration to the number of curves where check rail bolts are used, as well as the amount of special work. The average length of single track per track walker at present is about $4\frac{1}{2}$ miles. Our Engineering Department does not recommend shortening the amount of line now assigned to each track walker.

3. With respect to "the amount of bonus paid to employees who discover defective equipment or construction of a dangerous or threatening nature": The employees of the Engineering Department are allowed a bonus equal to one day's pay for each broken rail discovered. Employees of the Car Equipment Department, Manhattan Division, are allowed bonuses according to the following schedule:

Employees Detecting the Following Unusual Failures will be Awarded the Bonuses Listed Herewith. Employees Whose Duties Require the Detection of These Failures Will Not Be Allowed Bonuses, But on the Other Hand Their Neglect to Find Such Defects Will Result in Such Demerits as Each Case, in the judgment of the Foreman, Calls for:

Wheels:	Cracked wheels	2 days' pay
	Cracked or broken spokes or tires.....	1 day's pay
	Cracked flanges exceeding $\frac{1}{8}$ " in depth.....	$\frac{1}{2}$ day's pay
Trucks:	Broken swing motion hanger causing spring plank to drop down on safety hanger	2 days' pay
	Cracked swing motion hanger.....	1 day's pay
	Broken swing motion hanger pin.....	1 day's pay
	Cracked equalizer bar	1 day's pay
	Pedestal binder strap or belt broken.....	$\frac{1}{2}$ day's pay
Contact		
Devices:	Dropped contact shoe beams.....	1 day's pay
Brakes:	Dropped or broken brake rigging	$\frac{1}{2}$ day's pay
Drawbars:	Broken housing or yoke.....	$\frac{1}{2}$ day's pay

This schedule, I may say, was revised effective November 21st, 1923, and it is believed is sufficient to accomplish the purpose for which it is intended; namely, to quicken the interest of employees in the proper condition of equipment. I may add that in addition to the fixed rates of bonus above mentioned, other cases of meritorious service by employees in any other department are rewarded as consideration of the specific instance may warrant.

4. That "inside steel guard rails be used to the limit of practicability at switches or other vulnerable points." Our Engineering Department is arranging to install inside steel guard rails where practicable at switches and other vulnerable points, and such rails are already in place at a number of locations.

5. With respect to instructions covering the subject of "running trains through frogs and switches" and methods of enforcing the Company's rules with respect thereto: On straight track where switches are properly locked, trains are safe in operating over the switching frogs at high speed. In operating around short radius curves, or operating over short radius switches, in the yards, centre track and main line, instructions are issued covering the speed allowed at these various points. These speeds on the main line are rated in the Book of Rules and are periodically checked up by the Supervising Officers in the Transportation Department, and also by operatives in the Secret Service Department.

Very truly yours,
FRANK HEDLEY,
President and General Manager.

December 27, 1923]

1356

NEW YORK RAPID TRANSIT CORPORATION
85 Clinton Street, Brooklyn, New York

W. S. MENDEN,
President.

November 8, 1923.

Car and Track Inspection with special reference to the accident—Atlantic and Flatbush Avenues.

TRANSIT COMMISSION,
MR. JAMES B. WALKER,
Secretary,
49 Lafayette Street,
New York City, N. Y.

Dear Sir:

This is to acknowledge receipt of your letter of October 24th with reference to the above.

We are giving the matter of track inspection to the extent that this is performed by the so-called track walkers special attention with a view to covering this work more efficiently. Mr. Kolb is preparing a revised schedule showing assignment of the track walkers to the respective sections, and we are also considering the possible use of some time-clock check on the work of track walkers, similar to recent new devices which have been gotten out for use in connection with watchmen's services. As soon as we have completed investigation and arrangements above proposed we will advise you definitely with reference thereto.

As to the bonus payment to employees who discover defective equipment or construction of a dangerous or threatening nature, we have reviewed this carefully during the last thirty days, and expect to have ready by November 15th a schedule covering list of bonuses to be paid in the Equipment Department in connection with car inspection, and we will send you a copy of this when this is issued. This is in addition to the arrangement now in effect in the Way and Structure Department under which employees are paid a bonus for discovering broken rails.

As to the recommendation that inside steel guard rail be used at switches, we have made a number of studies with reference to this, and thus far have not developed a satisfactory arrangement which would permit of carrying the inside steel guard rail through switch construction. The rails of this sort that have heretofore been installed on the elevated lines provide guard rail protection only to a limited extent, and we had hoped that some plan could be developed which would carry the protection which is now afforded by the inside guard timber through the switch construction, and in this connection consideration has been given to the question of substituting an inside guard rail for the present inside guard timber. We will be glad to have the engineers of the Commission make recommendations with reference to additional guard rail protection above referred to.

As to excessive rates of speed of trains running through frogs and switches, we have, as stated in your letter, at certain points installed special devices or signals that are intended to limit the speed of the respective trains. These devices are being installed principally at curves and on heavy grades. Where on tangent track the speed of trains should be limited by reason of local conditions we have installed signs, and, as stated in your letter, our general instructions fully cover this. The question as to whether these rules and instructions are observed is checked by inspectors who are constantly on duty on the respective lines, and this arrangement has been considered satisfactory. Our Transportation Department is giving this further study with a view to determining whether additional precautions or measures in this respect are practicable.

Very truly yours,

W. S. MENDEN,
President,
N. Y. RAPID TRANSIT CORP.

Thereupon the above mentioned papers were ordered filed.

1830—R. T. 7661

Route No. 78-B—Certified Copy of Resolution of Board of Estimate and Apportionment Extending Time for Further Period of Thirty Days from December 18, 1923, Within which to Consider Route and General Plan for Central Park, Eighth Avenue and St. Nicholas Avenue Route—Filed

The following certified copy of the Resolution adopted by the Board of Estimate and Apportionment on December 14, 1923, was ordered filed:

Resolved, That the period of time prescribed by Section 242 of the Greater New York Charter within which this Board shall consider and act upon the resolution of the Transit Commission, establishing route and general plan of construction for an additional rapid transit railway in the Borough of Manhattan, known as Central Park, Eighth Avenue and St. Nicholas Avenue Route, Route No. 78-B, adopted by the Commission October 11, 1923, and transmitted to this Board for its approval, as required by law, and within which this Board shall transmit in writing to the Commission its determination in regard thereto, whether of consent or refusal, be and hereby is extended for a further period of thirty (30) days from December 18, 1923; said December 18, 1923 being sixty days after October 19, 1923, the date on which said communication was received at a meeting of the Board.

A true copy of resolution adopted by the Board of Estimate and Apportionment December 14, 1923.

PETER J. MCGOWAN,
Secretary.

1831—R. T. 3013

Agreement "CR"—Certified Copies of Resolutions of Board of Estimate and Apportionment Consenting to Proposed Contract with John Riches for Relocation of Entrances to 157th Street Station and Authorizing Appropriation of \$51,911.50—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on December 7, 1923, were ordered filed.

(Cal. No. 311-A)

Resolved, That the resolutions (2) adopted by the Board of Estimate and Apportionment on January 19, 1923 (Cal. Nos. 239-A and 239-B):

(a) Authorizing an issue of tax notes in an amount not exceeding twenty-six thousand dollars (\$26,000), the proceeds to the amount of the par value thereof to be used for the relocation of subway stairways at the southeast and northwest corners of 157th street and Broadway, and work incidental thereto, under the jurisdiction of the President, Borough of Manhattan; the work of such relocation to be performed by the operating company under the supervision of the Transit Commission; and

(b) Authorizing the President of the Borough of Manhattan to charge the cost of such restoration of curb and roadway changes as are due to the relocation of the subway stairways at the southeast and northwest corners of 157th street and Broadway, Manhattan, to the extent of the available balance in the tax note fund of twenty-six thousand dollars (\$26,000) authorized for said relocation of stairways, and to charge any excess cost of such restoration of curb and roadway changes to the 1922 Repaving Fund.

—be and the same hereby are *rescinded*.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 311-B)

Resolved, By the Board of Estimate and Apportionment, that, pursuant to the provisions of section 189 of the Greater New York Charter, the Comptroller is hereby authorized to issue tax notes of the City of New York in an amount not exceeding fifty-one thousand nine hundred and eleven dollars and fifty cents (\$51,911.50) which shall be included in annual tax levies, in the manner provided by said section 189 of

the Charter, the proceeds of which, to the amount of the par value thereof to be used for the relocation of the entrances to the 157th street station of the Manhattan-Bronx Rapid Transit Railroad, under the jurisdiction of the Transit Commission.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 311-C)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 7, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with John Riches for the relocation of the entrances to the 157th street station of the Manhattan-Bronx Rapid Transit Railroad, Borough of Manhattan, Contract No. 1, Agreement "C.R.," at an estimated cost of fifty-one thousand nine hundred and eleven dollars and fifty cents (\$51,911.50), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Comptroller be and he is hereby authorized to charge the cost of said work against the tax notes appropriation in the sum of fifty-one thousand nine hundred and eleven dollars and fifty cents (\$51,911.50), authorized by the Board of Estimate and Apportionment on this date, to provide for the cost of said work.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1832—R. T. 7494

Routes Nos. 16, 18, 36 & 37 and 50—Certified Copies of Resolutions of Board of Estimate and Apportionment Consenting to Proposed Agreements for Repairs to Mezzanine Roofs of Stations of Jerome Avenue, White Plains Road and Queensboro Subway Lines—Filed

The following certified copies of the resolutions adopted by the Board of Estimate and Apportionment on December 7, 1923, were ordered filed:

(Cal. No. 312-A)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 13, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed agreement with the Interborough Rapid Transit Company for remedying the leaky condition of the mezzanine roofs of three (3) stations of the Jerome Avenue Line and six (6) stations of the White Plains Road Line of the elevated portions of Municipal Rapid Transit Railroad, constructed under Contract No. 3, at an estimated cost of seventeen thousand dollars (\$17,000), without waiving the contention of the city that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be seventeen thousand dollars (\$17,000); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended; the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission, dated November 13, 1923; the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding seventeen thousand dollars (\$17,000), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purpose of said agreement; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million, two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

(Cal. No. 312-B)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 13, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed agreement with the Interborough Rapid Transit Company for remedying the leaky condition of the mezzanine roofs of six (6) stations of Routes 36 and 37, Section 2; eight (8) stations of Routes 36 and 37, Section 3; and one (1) station of Route 50 of the elevated portions of the Queensboro Subway Line of the Municipal Rapid Transit Railroad, constructed under Contract No. 3; at an estimated cost of twenty thousand dollars (\$20,000), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporation stock available for said purpose shall be twenty thousand dollars (\$20,000); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended; the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission, dated November 13, 1923; the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding twenty thousand dollars (\$20,000) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said agreement; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913; and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1833—R. T. 7011

Contract No. 4—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Appropriation of \$3,000 for Maintenance Prior to Operation—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 7, 1923, was ordered filed:

(Cal. No. 313)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 13, 1923, the Board of Estimate and Apportionment, without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby consent to and authorize an appropriation of three thousand dollars (\$3,000), (in addition to the appropriations heretofore made) for the purpose of providing funds for the maintenance prior to operation of the rapid transit railroads constructed under Contract No. 4; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be three thousand dollars (\$3,000); and be it further

Resolved, That the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding three thousand dollars (\$3,000), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes aforesaid, said issue of corporate stock to be charged as a sub-authorization against the general appropriation of sixty million dollars (\$60,000,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1834—R. T. 7706

Agreement "CU"—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with John B. Roberts & Company for Construction of Signal Tower in 239th Street Yard and Authorizing Appropriation of \$12,757.50—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 7, 1923, was ordered filed:

(Cal. No. 314)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 13, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with John B. Roberts & Co. for the construction of a signal tower in the 239th Street Yard of the White Plains Road Rapid Transit Railroad, Agreement ("CU"), Route No. 18, Section No. 2, Borough of The Bronx, at an estimated cost of twelve thousand seven hundred and fifty-seven dollars and fifty cents (\$12,757.50), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be twelve thousand seven hundred and fifty-seven dollars and fifty cents (\$12,757.50), and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission dated November 13, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of the City of New York to an amount not exceeding twelve thousand seven hundred and fifty-seven dollars and fifty cents (\$12,757.50), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000), made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1835—R. T. 7703

Route No. 16—Certified Copy of Resolution of Board of Estimate and Apportionment Consenting to Contract with Slatery Engineering & Construction Company, Inc., for Installation of Tracks for Part of Jerome Avenue Yard and Authorizing Appropriation of \$61,000—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 7, 1923, was ordered filed:

(Cal. No. 315)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 20, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with the Slatery Engineering & Construction Co., Inc., for the installation of tracks, part of the Jerome Avenue Yard, Route No. 16, at an estimated cost of fifty-nine thousand eight hundred and seventy-eight dollars and seventy-five cents (\$59,878.75), and to an expenditure for unforeseen contingencies in connection therewith, not exceeding the sum of eleven hundred and twenty-one dollars and twenty-five cents (\$1,121.25), being a total estimated cost of sixty-one thousand dollars (\$61,000), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe

that the limit to the proceeds of corporate stock available for said purpose shall be sixty-one thousand dollars (\$61,000); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission, dated November 20, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding sixty-one thousand dollars (\$61,000) at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract and to said additional expenditures in connection therewith; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 7, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1836—R. T. 7708

Route No. 18—Certified Copy of Resolution of Board of Estimate and Apportionment, Consenting to Proposed Contract with Isaac E. Abbott for Erection of Fence at 239th Street Yard, and Authorizing Appropriation of \$2,856.40—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 14, 1923, was ordered filed:

(Cal. No. 188)

Resolved, That, pursuant to the requisition of the Transit Commission to this Board, dated November 27, 1923, the Board of Estimate and Apportionment does hereby consent to the proposed contract with Isaac E. Abbott for the erection of a fence, etc., in the 239th Street Yard of the White Plains Road Rapid Transit Railroad (Route No. 18), at an estimated cost of two thousand eight hundred and fifty-six dollars and forty cents (\$2,856.40), without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void; and be it further

Resolved, That the Board of Estimate and Apportionment does hereby prescribe that the limit to the proceeds of corporate stock available for said purpose shall be two thousand eight hundred and fifty-six dollars and forty cents (\$2,856.40); and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission dated November 27, 1923, the Comptroller be and he is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding two thousand eight hundred and fifty-six dollars and forty cents (\$2,856.40), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to the purposes of said contract; said issue of corporate stock to be in addition to the general appropriation of twenty-eight million two hundred thousand dollars (\$28,200,000) made by the Board of Estimate and Apportionment on March 18, 1913, and the additional general appropriations subsequently made thereto, for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 14, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1837—R. T. 6881

Order No. 3—Certified Copy of Resolution of Board of Estimate and Apportionment Authorizing Readjustment of Appropriation under Contract for Storage and Hauling of Untreated Ties and Timber—Filed

The following certified copy of the resolution adopted by the Board of Estimate and Apportionment on December 14, 1923, was ordered filed:

(Cal. No. 189)

Whereas, The Board of Estimate and Apportionment on April 25, 1919, upon the requisition of the Public Service Commission, authorized an appropriation of twenty-four thousand five hundred dollars (\$24,500) rapid transit corporate stock to provide for the estimated cost of a contract with J. H. Burton & Co., Inc., for the storage and hauling of untreated ties and timber for use in the construction of municipal rapid transit railroads to be constructed under Contracts No. 3 and No. 4, said corporate stock to be charged to the extent of fifteen thousand six hundred dollars (\$15,600) as a subauthorization against the general appropriation for Contract No. 3, and to the extent of eight thousand nine hundred dollars (\$8,900) as a subauthorization against the general appropriation for Contract No. 4; and on August 12, 1921, upon the requisition of the Transit Commission, authorized an additional appropriation in the sum of seven thousand dollars (\$7,000) for the said purpose, of which amount the sum of six thousand dollars (\$6,000) was to be charged as a subauthorization against the general appropriation for Contract No. 3, and the sum of one thousand dollars (\$1,000) to be charged as a subauthorization against the general appropriation for Contract No. 4; and on October 13, 1922, on the requisition of the Transit Commission, authorized a further additional appropriation for said purpose in the sum of twenty-three hundred dollars (\$2,300), to be charged as a subauthorization against the general appropriation for Contract No. 3, and rescinded the sum of three hundred dollars (\$300) from the amount previously authorized for said contract chargeable to Contract No. 4; thus subauthorizing a total amount of twenty-three thousand nine hundred dollars (\$23,900) as a charge against Contract No. 3 and nine thousand six hundred dollars (\$9,600) as a charge against Contract No. 4; and

Whereas, The expenditures from these subauthorizations under Contract No. 3 have aggregated twenty-two thousand five hundred and twenty-four dollars and sixty-five cents (\$22,524.65) and under Contract No. 4 have aggregated nine thousand five hundred and fifteen dollars and thirty-six cents (\$9,515.36), but on the basis of the said work actually performed the charges against Contract No. 3 should be twenty-five thousand eight hundred and sixty-three dollars and ninety-five cents (\$25,863.95) and the charges against Contract No. 4 should be six thousand one hundred and seventy-six dollars and six cents (\$6,176.06), therefore necessitating an adjustment of the charges between Contracts No. 3 and No. 4, and an additional authorization of one thousand nine hundred and sixty-three dollars and ninety-five cents (\$1,963.95) for the purposes of Contract No. 3 and a consequent rescindment of three thousand four hundred and twenty-three dollars and ninety-four cents (\$3,423.94) from the subauthorizations made for the purposes of Contract No. 4; now therefore be it

Resolved, That the Board of Estimate and Apportionment, pursuant to the requisition of the Transit Commission dated November 27, 1923, and without waiving the contention of the City that chapter 134 of the Laws of 1921 is unconstitutional and void, does hereby approve of and consent to an additional appropriation of corporate stock in the sum of one thousand nine hundred and sixty-three dollars and ninety-five cents (\$1,963.95) to provide funds to cover the cost of additional work under Rapid Transit Contract No. 3, for the purposes under contract No. 51164 with J. H. Burton & Co., Inc.; and be it further

Resolved, That, pursuant to the provisions of section 37 of the Rapid Transit Act, being chapter 4 of the Laws of 1891, as amended, the provisions of section 45 of the Greater New York Charter, and the requisition of the Transit Commission dated November 27, 1923, the Comptroller be and is hereby authorized to issue corporate stock of The City of New York to an amount not exceeding one thousand nine hundred and sixty-three dollars and ninety-five cents (\$1,963.95), at such rate of interest as the Commissioners of the Sinking Fund shall prescribe, the proceeds to the amount of the par value thereof to be applied to liquidate the cost of that portion of the work performed under said contract No. 51164 with J. H. Burton & Co., Inc., which is properly chargeable

to Rapid Transit Contract No. 3, said issue of corporate stock to be in addition to all appropriations heretofore made for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 3; and be it further

Resolved, That the sum of three thousand four hundred and twenty-three dollars and ninety-four cents (\$3,423.94) be and hereby is *rescinded* from the subauthorizations made by the Board of Estimate on April 25, 1919, and August 12, 1921, as amended, aggregating nine thousand six hundred dollars (\$9,600) for the purposes of said contract No. 51164 with J. H. Burton & Co., Inc., and that said sum of three thousand four hundred and twenty-three dollars and ninety-four cents (\$3,423.94) be credited back to the general appropriation of corporate stock made for the purpose of providing funds to meet the City's obligations under Rapid Transit Contract No. 4.

A true copy of resolution adopted by the Board of Estimate and Apportionment, December 14, 1923.

JAMES MATTHEWS,
Assistant Secretary.

1838—R. T. 7664

Route No. 33, Section No. 3—Notice by Chief Engineer of Commencement of Work for Station Finish at Lawrence Street Station—Filed

The Commission ordered filed, a notice from the Chief Engineer dated December 17, 1923, advising of the commencement of work by the Station Finish Corporation on December 17, 1923, for the construction of Station Finish at the Lawrence Street Station—Route No. 33, Section No. 3.

1839—R. T. 7665

Routes Nos. 36 & 37, Section No. 1—Notice by Chief Engineer of Commencement of Work for the Installation of Switchback Track and Miscellaneous Work East of Queensboro Plaza Station—Filed

The Commission ordered filed a notice from the Chief Engineer dated December 19, 1923, advising of the commencement of work by B. T. & J. J. Mack, Inc., on December 19, 1923, for the installation of switchback track and other miscellaneous work, east of the Queensboro Plaza station, Routes Nos. 36 and 37, Section No. 1.

1840—R. T. 7701

Route No. 18, Section No. 1—Notice by Chief Engineer of Commencement of Work for Installation of Tracks in 180th Street Yard—Filed

The Commission ordered filed a notice from the Chief Engineer dated December 19, 1923, advising of the commencement of work by McElroy & Kerwin, on December 8, 1923, for the installation of tracks for the completion of the 180th Street Yard, Route No. 18, Section No. 1.

1841—R. T. 7645

Agreement "CS"—Notice by Chief Engineer of Commencement of Work for Construction of Duct Line at 239th Street Yard—Filed

The Commission ordered filed, a notice from the Chief Engineer, dated December 20, 1923, advising of the commencement of work by Felix Hanratty, on December 19, 1923, for the construction of a railroad duct line at the 239th Street Yard—Route No. 18—Agreement "CS."

1842—R. T. 7592

Route No. 11-B, Section No. 3—Notice from Chief Engineer Advising of Commencement of Work—Filed

The Commission ordered filed, a notice from the Chief Engineer dated December 26, 1923, advising of the commencement of work by T. A. Gillespie Company on December 17, 1923, for the construction of Route No. 11-B, Section No. 3—Fourth Avenue Subway Extension.

1843—R. T. 7230

Rapid Transit Railroads—Report by Chief Engineer Transmitting List of Sub-Contracts Approved During Month of November, 1923—Filed

The following report by the Chief Engineer was ordered filed:

December 20, 1923.

TO TRANSIT COMMISSION.

List of Sub-Contracts.

I submit, as follows, a list of sub-contracts, approved by this Department during the month of November.

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
8	6A-1	Frederick L. Cranford, Inc.	Central Foundry Company	11/14/23	Duct Manhole frames and covers, T. C. inspected.
33—Completion of	Law-	Frederick L. Cranford, Inc.	Flockhart Foundry Company	11/12/23	Duct Manhole castings, T. C. inspected
35 & 67		Powers-Kennedy Contracting Corp'n	Griffin-Bassett, Inc.	11/ 2/23	6 x 6 No. 8 wire reinforcing mesh, to be supplied by Igoe Bros., Agents for American Steel & Iron Corp'n.
35 & 67		Powers-Kennedy Contracting Corp'n	Hydrex Asphalt Products Corp'n	11/23/23	Asphalt and asphalt treated fabric, T. C. inspected.
Agreement "CJ"—Concrete and steel Highway Bridge at 9th Ave. between 37th & 38th Sts., Brooklyn.		M. A. Charles	Alcatraz Asphalt Company	11/ 3/23	Sheet asphalt paving on approach to the 9th Ave. Bridge.
Agreement "CJ"—Concrete and steel Highway Bridge at 9th Ave. between 37th & 38th Sts., Brooklyn.		M. A. Charles	N. Y. Rapid Transit Corp'n	11/15/23	Installation of trough for the protection of trolley wires under highway bridge at 9th Ave. and 37th St., Brooklyn.
Contract 168th St. No. 1 Station		Holbrook, Cabot & Rollins, Corp'n	Master Builders Company	11/24/23	Floor hardner.
Agreement "CN"—Making changes in subway structure at West 32d St., and the reconstruction of a ventilation flue at West 32d St. and Broadway. Rts. 4 & 36, Sec. 2.		Slattery Engineering & Construction Co., Inc.	American Bridge Company	11/24/23	Steel

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials	
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	A. H. Jeters & Co., Inc.	11/ 7/23	Sheet and Metal Roofing.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	T. J. Byrne Co.	11/ 7/23	Plumbing
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Whale Creek Iron Works	11/ 7/23	Ornamental Iron Work.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Isidore Fajans, Inc.	11/ 7/23	Electrical work.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	David Lupton's Sons	11/ 7/23	Steel Sash
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Knickerbocker Slate Corp'n	11/ 7/23	Slate.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	E. F. Houserman Co.	11/ 7/23	Hollow Metal Partitions.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	John F. Mahoney, Inc.	11/ 7/23	Plastering.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Luminous Vault Light Co., Inc.	11/ 7/23	Vault Lights.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	H. W. Palen's Sons	11/ 7/23	Mill Work.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Southern Wood Preserving Co.	11/ 7/23	Creosoted Wood Block Pavement.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Feinberg & Feinberg	11/ 7/23	Glass.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	American Abrasive Metals Co.	11/ 7/23	Non-Slip Treads.
		Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Russell & Erwin Mfg. Co.	11/ 7/23	Hardware.

Route No.	Section No.	Contractor	Sub-Contractor	Date of Approval	Materials
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	The M. W. Kellogg Co.	11/ 7/23	Chimney	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Goodwin-Galagher Sand & Gravel Corp'n	11/ 8/23	Sand and Gravel, T. C. Inspected.	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Barber Asphalt Company	11/ 8/23	Asphalt and asphalt treated cotton fabric, T. C. inspected.	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	E. A. Jova, Treasurer of Rufus Darrows Sons, Inc.	11/12/23	"Atlas" Portland Cement, T. C. inspected.	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Rufus Darrows Sons, Inc.	11/12/23	Common Brick, T. C. inspected.	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	J. P. Duffy & Co.	11/12/23	Hollow Tile, T. C. inspected.	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	McCartney Construction Co.	11/17/23	Wire lathing	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Truscon Steel Co.	11/17/23	Reinforcing Rods.	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Berger Mfg. Co.	11/17/23	Wire Mesh and Special Forms.	
Construction of Enclosures of Third Addition to Shops, Lenox Ave.-148th St. Yard.	D. C. Serber	Rosoff Sand & Gravel Co.	11/17/23	Sand and Gravel, T. C. inspected.	

ROBERT RIDGWAY,
Chief Engineer.

1844—R. T. 6761

Contract No. 3—Communication from Interborough Rapid Transit Company, Transmitting Copy of Contract for Manufacture and Delivery of Valves for 59th Street Power Station—Filed

The Commission ordered filed, a communication from the Interborough Rapid Transit Company, dated December 18, 1923, transmitting a copy of a contract dated August 11, 1923, with the Chapman Valve Manufacturing Company, for the manufacture and delivery of eight cast steel gate valves together with one extra control station, for installation in the 59th Street Power Station.

1845

Lease—Proposed Lease for Second Floor of Premises at No. 225 South Fourth Street, Borough of Brooklyn—Approval Resolution

The following resolution was adopted:

Resolved, That this Commission do and it hereby does approve the proposed form of lease from Ada J. Haassler, now submitted to this Commission, covering the entire second floor of the premises located at and designated as 225 South 4th Street, Borough of Brooklyn, City of New York, to be occupied as offices for a term commencing on the 1st day of January, 1924 and ending on the 31st day of December, 1924, with option of renewal for a further term of one year from the last mentioned date, at the annual rental of One thousand and twenty (\$1,020) dollars, payable in monthly installments and that the Chairman and Secretary of this Commission be and hereby are authorized and directed to execute and deliver said lease for and on behalf of this Commission.

1846

Fees Received during December, 1923—Transmitted to City Chamberlain

The Secretary stated that during the month of December, 1923, fees, etc. to the amount of \$1,667.50 and refunds of rental from rapid transit real estate to the amount of \$5,226 had been received. The Secretary was directed to transmit the same to the Chamberlain of The City of New York, said sum of \$1,667.50 to be accredited to the General Fund of The City of New York and the sum of \$5,226 to be accredited to a Suspense Account (Real Estate and Rentals of the Transit Commission) in conjunction with other funds collected as Rentals and proceeds of the sale of properties in the same proceeding and held available for the purposes of the Commission, as provided in the Rapid Transit Act.

1847

Employees' Calendar No. 181

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Appointments—Samuel Baron, draftsman, at \$175.08 per month, to take effect December 18, 1923; Robert Gilbert, junior clerk, at \$60.00 per month, to take effect December 22, 1923; Walter R. Many, draftsman, at \$175.08 per month, to take effect January 4, 1924; Emmett J. Scott, Jr., draftsman, at \$175.08 per month, to take effect January 4, 1924; Kopple Tennygold, draftsman, at \$175.08 per month, to take effect January 4, 1924; Irving Troemel, draftsman, at \$175.08 per month, to take effect January 4, 1924.

Appointments under Rule VIII:4—Irving D. Feinman, junior clerk, at \$60.00 per month, to take effect December 26, 1923; Harold H. R. Haase, junior assistant, at \$125.08 per month, to take effect December 18, 1923; Ida Margolis, junior clerk, at \$60.00 per month, to take effect December 21, 1923; Max Morel, junior clerk, at \$60.00 per month, to take effect December 21, 1923; Morton Sandler, junior clerk, at \$60.00 per month, to take effect December 21, 1923.

Resignations—Howard P. Michener, assistant engineer, at \$237.50 per month, to take effect December 31, 1923; George F. Porter, draftsman, at \$175.08 per month, to take effect December 19, 1923; William Shemin, junior assistant, at \$125.08 per month, to take effect December 17, 1923; Charles F. Tague, junior electrical engineer, at \$165.00 per month, to take effect December 31, 1923; Kopple Tennygold, mechanical engineer, at \$150.08 per month, to take effect January 3, 1924; Irving Troemel, junior assistant, at \$125.08 per month, to take effect January 3, 1924.

Rescission of Appointment—Morris Bass, draftsman, at \$175.08 per month, to take effect December 21, 1923.

Terminations of Appointments under Rule VIII:4—William A. Caprell, draftsman, at \$175.08 per month, to take effect January 4, 1924; Nathan November, draftsman, at \$175.08 per month, to take effect January 4, 1924; Emmett J. Scott, Jr., draftsman, at \$175.08 per month, to take effect January 3, 1924.

Terminations of Appointments under Rule VIII:9—Arnold Brauer, draftsman, at \$175.08 per month, to take effect January 4, 1924; Walter R. Many, draftsman, at \$175.08 per month, to take effect January 3, 1924.

Change of Item in Resolution of December 18, 1923, Concerning Morris Bass so as to read as follows: (Termination of appointment under Rule VIII:9)—Morris Bass, draftsman, at \$175.08 per month, to take effect December 17, 1923.

Changes of Item in Resolution of December 18, 1923, Concerning William F. Johnson and Samuel Steinfeld so as to read as follows: (Rescission of appointment under Rule VIII:9)—William F. Johnson, draftsman, at \$175.08 per month, to take effect December 28, 1923; Samuel Steinfeld, draftsman, at \$175.08 per month, to take effect December 21, 1923.

Leaves of Absence with Pay—Lydia E. Kaufman, senior clerk, from January 1, 1924 to January 2, 1924; Rose B. Steinman, file clerk, from October 22, 1923 to November 24, 1923.

Leaves of Absence without Pay—Frances R. Chelimer, statistician, from December 23, 1923 to January 1, 1924; Lydia E. Kaufman, senior clerk, from January 3, 1924 to June 30, 1924.

1848

Employees' Calendar No. 182

On motion, duly seconded, the following resolution was unanimously adopted:

Resolved, That this Commission takes the following action with reference to employees:

Promotions—James H. Allatt, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Henry Altemeier, inspector of conduits, from \$214.50 per month to \$225.00 per month, to take effect January 1, 1924; Leo Antin, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; Gustave G. Atwood, draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Thomas H. Barrington, stenographer, from \$152.00 per month to \$162.50 per month, to take effect January 1, 1924; Edison D. Bassett, junior electrical engineer, from \$195.00 per month to \$200.08 per month, to take effect January 1, 1924; Grant Bateman, junior electrical engineer, from \$165.00 per month to \$175.00 per month, to take effect January 1, 1924; Maximilian Becker, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Yetta Benjamin, clerk, from \$74.66 per month to \$90.00 per month, to take effect January 1, 1924; Raymond S. Bennett, assistant engineer, from \$266.66 per month to \$300.00 per month, to take effect January 1, 1924; Edward Bergman, correspondence clerk, from \$175.00 per month to \$187.50 per month, to take effect January 1, 1924; Sol E. Berkenblit, assistant chemist, from \$150.00 per month to \$162.50 per month, to take effect January 1, 1924; Sybil R. Berman, stenographer, from \$137.50 per month to \$150.00 per month, to take effect January 1, 1924; Joseph Bernstein, designer, from \$291.66 per month to \$312.50 per month, to take effect January 1, 1924; Urian Bernstein, draftsman, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Richard A. Berry, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Jacques Birkhahn, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Benjamin S. Blatteis, stenographer, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Joseph Bleich, junior engineer, from \$180.08 per month to \$190.00 per month, to take effect January 1, 1924; Louis Blum, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Chas. A. Bock, architectural draftsman from \$195.00 per month to \$210.00 per month, to take effect January 1, 1924; Louis Bossgang, junior engineer, from \$180.08 per month to \$187.50 per month, to take effect January 1, 1924; Alfred Brahdy, assistant engineer, from \$266.66 per month, to \$291.66 per month, to take effect January 1, 1924; Augustus Breitenberger, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Arthur C. Brockway, asst. super. transit inspector, from \$150.08 per month to \$162.50 per month, to take effect January 1, 1924; Eva Brodie, clerk, from \$70.00 per

month to \$90.00 per month, to take effect January 1, 1924; Catherine I. Brosnan, stenographer, from \$90.00 per month to \$100.00 per month, to take effect January 1, 1924; Robert Brushhaber, engineer accountant, from \$279.16 per month to \$291.66 per month, to take effect January 1, 1924; Carl H. Busath, junior engineer, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; J. Nathan Cahan, junior engineer, from \$180.08 per month to \$190.00 per month, to take effect January 1, 1924; Rocco M. Carbone, stenographer, from \$100.00 per month to \$110.00 per month, to take effect January 1, 1924; Frances S. Cardile, jr. clerk to clerk, from \$60.00 per month to \$70.00 per month, to take effect January 1, 1924; Mary G. Cardile, stenographer, from \$90.00 per month to \$100.00 per month, to take effect January 1, 1924; James J. Casey, junior engineer, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Samuel Chafets, draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Ralph R. Clark, architectural designer, from \$254.16 per month to \$266.66 per month, to take effect January 1, 1924; Harold J. Cloutman, assistant counsel, from \$275.00 per month to \$300.00 per month, to take effect January 1, 1924; Walker C. Cole, accountant, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Edwin Cole, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Perry E. Collette, junior engineer, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Leo Comyns, Clerk, from \$70.00 per month to \$80.00 per month, to take effect January 1, 1924; Margaret F. Connelly, clerk, from \$70.00 per month to \$75.00 per month, to take effect January 1, 1924; Sidney H. Coombe, assistant engineer, from \$237.50 per month, to \$250.00 per month, to take effect January 1, 1924; John J. Cope, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; Michael J. Corcoran, supervising transit inspector, from \$237.50 per month to \$250.00 per month, to take effect January 1, 1924; Bayard W. Corson, architectural draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Estelle Coster, clerk, from \$90.00 per month to \$95.00 per month, to take effect January 1, 1924; Frank J. Coughlin, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; Newell S. Covert, assistant engineer, from \$237.50 per month to \$250.08 per month, to take effect January 1, 1924; Patrick J. Crennan, engineering inspector, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Richard J. Cullinan, draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Sverre Dahm, engineer of designs, from \$666.66 per month to \$750.00 per month, to take effect January 1, 1924; William E. Dalton, assistant chief clerk, from \$275.00 per month to \$300.00 per month, to take effect January 1, 1924; John W. Daly, assistant engineer, from \$254.16 per month to \$266.66 per month to take effect January 1, 1924; Francis G. Daniell, assistant electrical engineer, from \$240.00 per month to \$250.00 per month, to take effect January 1, 1924; John J. Devery, engineering inspector, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Margaret T. Dougherty, junior clerk to clerk, from \$60.00 per month to \$65.00 per month, to take effect January 1, 1924; Alfred J. Doyle, assistant electrical engineer, from \$304.16 per month to \$316.66 per month, to take effect January 1, 1924; Abraham A. Drabkin, junior electrical engineer, from \$195.00 per month to \$200.08 per month, to take effect January 1, 1924; Moses A. Drucker, designer, from \$250.00 per month to \$266.66 per month, to take effect January 1, 1924; Denis Duggan, engineering inspector, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Henry C. Duncan, engineering inspector, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Frederick R. Eddy, stenographer, from \$152.00 per month to \$162.50 per month, to take effect January 1, 1924; Walter T. Edgerton, supervising transit inspector, from \$237.50 per month to \$250.00 per month, to take effect January 1, 1924; Joseph Epstein, draftsman, from \$195.00 per month to \$210.00 per month, to take effect January 1, 1924; Tillie Falkin, stenographer to senior clerk, from \$150.00 per month to \$166.66 per month, to take effect January 1, 1924; George B. Faucett, junior electrical engineer, from \$175.00 per month to \$187.50 per month, to take effect January 1, 1924; Frank T. Fellner, architectural draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Fred L. Fenton, draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Peter Ferreri, junior electrical engineer, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Isaac Finkel, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; Leo Fish, junior electrical engineer, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Daniel J. R. Foley, asst. super. transit inspector, from \$150.08 per month to \$162.50 per month, to take effect January 1, 1924; Samuel M. Forer, junior

engineer, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Max Freedman, accountant, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Samuel Freedman, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; Louis V. Fucci, stenographer, from \$125.00 per month to \$137.50 per month, to take effect January 1, 1924; Berge B. Furre, designer, from \$254.16 per month to \$266.66 per month to take effect January 1, 1924; Cornelius J. Gaffney, assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; Joseph J. Gaffney, engineering inspector, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Frank Gallagher, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; Frederick D. Gardner, architectural designer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; Warren Gardner, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Sidney W. Gay, supervising transit inspector, from \$175.08 per month to \$200.00 per month, to take effect January 1, 1924; Mildred Germaine, junior clerk to clerk, from \$60.00 per month to \$70.00 per month, to take effect January 1, 1924; Mabelle N. Gleason, file clerk, from \$137.50 per month to \$145.00 per month, to take effect January 1, 1924; Joseph Goldberg, draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Morris Goldman, clerk, from \$70.00 per month to \$80.00 per month to take effect January 1, 1924; Sarah E. Goldman, stenographer, from \$125.00 per month to \$125.08 per month, to take effect January 1, 1924; Rebecca Goldstein, clerk, from \$66.66 per month to \$75.00 per month, to take effect January 1, 1924; Joseph Graef, junior electrical engineer, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Max Gray, draftsman, from \$195.00 per month to \$210.00 per month, to take effect January 1, 1924; Jacob Grayman, junior electrical engineer, from \$162.50 per month to \$170.00 per month, to take effect January 1, 1924; J. Harry Griffin, assistant engineer, from \$250.00 per month to \$266.66 per month, to take effect January 1, 1924; Michael J. Griffin, inspector of steel, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Harry G. Grill, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; George Haag, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Joseph S. Harris, junior engineer, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Joseph Harwood, assistant engineer, from \$210.00 per month to \$225.08 per month, to take effect January 1, 1924; William D. Heimsoth, architectural draftsman, from \$192.50 per month to \$200.08 per month, to take effect January 1, 1924; Henry Heins, assistant engineer, from \$250.00 per month to \$266.66 per month, to take effect January 1, 1924; Hyman E. Helfand, designer, from \$254.16 per month to \$266.66 per month, to take effect January 1, 1924; Nathan I. Helfand, draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; George W. Herrington, assistant engineer, from \$254.16 per month to \$266.66 per month, to take effect January 1, 1924; Norman C. Hill, engineer accountant, from \$279.16 per month to \$312.50 per month, to take effect January 1, 1924; John W. Hilliard, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Mary A. Hirshhorn, stenographer to senior clerk, from \$150.00 per month to \$166.66 per month, to take effect January 1, 1924; Julius C. Hoeffler, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; Benjamin Holand, junior electrical engineer, from \$165.00 per month to \$175.00 per month, to take effect January 1, 1924; William Hotter, assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; Harry L. Hurd, assistant engineer, from \$250.00 per month to \$266.66 per month, to take effect January 1, 1924; Dorothy Israel, stenographer, from \$125.00 per month to \$125.08 per month, to take effect January 1, 1924; Samuel Israel, bookkeeper, from \$137.50 per month to \$150.00 per month, to take effect January 1, 1924; Isidor Jacobs, junior engineer, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Moses Jacobson, junior electrical engineer, from \$195.00 per month to \$205.00 per month, to take effect January 1, 1924; George H. Johnson, statistician, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Virginia Joyce, clerk, from \$75.00 per month to \$80.00 per month, to take effect January 1, 1924; Charles B. Kain, inspector of steel, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Henry Kamp, architectural designer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; Bessie Katz, stenographer to senior clerk, from \$137.50 per month to \$150.08 per month.

to take effect January 1, 1924; John Keegan, junior assistant, from \$152.50 per month to \$162.50 per month to take effect January 1, 1924; Katherine B. Kehoe, stenographer, from \$90.00 per month to \$100.00 per month, to take effect January 1, 1924; Chester M. Kendall, assistant engineer, from \$291.66 per month to \$316.66 per month, to take effect January 1, 1924; Charles Kessler, chauffeur, from \$150.00 per month to \$162.50 per month to take effect January 1, 1924; Martin I. Kohn, junior engineer, from \$187.50 per month to \$200.00 per month to take effect January 1, 1924; Solomon Kranis, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Arthur L. Krellen, draftsman, from \$195.00 per month to \$200.08 per month, to take effect January 1, 1924; Robert P. Krum, junior electrical engineer from \$180.00 per month to \$190.00 per month, to take effect January 1, 1924; Edward A. Lanigan, inspector of equipment, from \$125.08 per month to \$137.50 per month, to take effect January 1, 1924; Clarence M. Larkin, engineering inspector, from \$170.00 per month to \$180.00 per month, to take effect January 1, 1924; Joseph B. Laux, junior electrical engineer, from \$162.50 per month to \$170.00 per month to take effect January 1, 1924; Edwin B. Lefferts, railway engineer, from \$291.66 per month to \$312.50 per month, to take effect January 1, 1924; Victor J. Lefkowitz, junior assistant, from \$152.50 per month to \$162.50 per month to take effect January 1, 1924; Augustus F. Leimbach, assistant supervising transit inspector, from \$150.08 per month to \$162.50 per month, to take effect January 1, 1924; Margaret Lennon, statistician, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Sylvia B. Lerner, stenographer, from \$120.00 per month to \$125.08 per month, to take effect January 1, 1924; Lillian Leventhal, clerk, from \$70.00 per month to \$80.00 per month, to take effect January 1, 1924; Sabina Levine, stenographer, from \$90.00 per month to \$100.00 per month, to take effect January 1, 1924; Abraham Levy, stenographer, from \$137.50 per month to \$150.00 per month to take effect January 1, 1924; Edward Levy, M. D., physician, \$341.66 per month to \$375.00 per month to take effect January 1, 1924; Nathan Levy, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Charles D. Lidstrom, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; John T. Little, cement tester, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Leon G. Lord, junior engineer, from \$175.08 per month to \$187.50 per month, to take effect January 1, 1924; Ira D. Lovin, assistant engineer, from \$254.16 per month to \$266.66 per month, to take effect January 1, 1924; Edward W. Lynch, engineering inspector, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Isidor Lukowsky, stenographer, from \$125.00 per month to \$125.08 per month, to take effect January 1, 1924; Joseph L. Mack, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; Abraham B. Malcolmsun, assistant engineer, from \$254.16 per month to \$266.66 per month, to take effect January 1, 1924; Thomas A. Maloney, Jr., chauffeur, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Louis Marder, accountant, from \$150.08 per month to \$162.50 per month, to take effect January 1, 1924; Joseph A. Mauser, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; Mae Maxwell, stenographer, from \$125.00 per month to \$125.08 per month, to take effect January 1, 1924; John R. McCarney, draftsman, from \$195.00 per month to \$200.08 per month, to take effect January 1, 1924; Thomas J. McDermott, engineering inspector, from \$180.00 per month to \$200.00 per month, to take effect January 1, 1924; William McElroy, engineering inspector, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Peter McGrath, clerk, from \$70.00 per month to \$90.00 per month, to take effect January 1, 1924; Frank C. McGuire, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; James J. McGuire, Jr., assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; James McKeever, junior clerk to clerk, from \$60.00 per month to \$70.00 per month, to take effect January 1, 1924; Arthur A. McKinney, assistant secretary, from \$366.66 per month to \$400.00 per month, to take effect January 1, 1924; James J. McNicholas, assistant supervising transit inspector, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Louis Meade, engineering inspector, from \$180.00 per month to \$200.00 per month, to take effect January 1, 1924; Meyer Messinger, stenographer to senior clerk, from \$150.00 per month to \$162.50 per month, to take effect January 1, 1924; Samuel M. Messer, junior engineer, from \$180.00 per month to \$200.00 per month, to take effect January 1, 1924; Lillian Myers, stenographer, from \$125.00 per month to \$125.08 per month.

to take effect January 1, 1924; Barnett Michels, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; Melville S. Miller, assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; William Mittler, accountant, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Ralph R. Monroe, assistant counsel, from \$300.00 per month to \$325.00 per month, to take effect January 1, 1924; Frank E. Moore, office assistant, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Frank D. Mott, junior engineer, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Kenneth Mott, assistant engineer, from \$266.66 per month to \$279.16 per month, to take effect January 1, 1924; John P. Moynehan, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; George Murgatroyd, assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; John F. Murray, supervising transit inspector, from \$237.50 per month to \$250.00 per month, to take effect January 1, 1924; Norman C. Neugebauer, junior engineer, from \$180.00 per month to \$190.00 per month, to take effect January 1, 1924; John F. New, Jr., architectural draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Olaf A. Nilsson, designer, from \$279.16 per month to \$291.66 per month, to take effect January 1, 1924; Estelle Nutoff, stenographer, from \$90.00 per month to \$100.00 per month, to take effect January 1, 1924; Patrick J. O'Connor, junior electrical engineer, from \$175.00 per month to \$187.50 per month, to take effect January 1, 1924; Thomas O'Hara, assistant supervising transit inspector, from \$150.08 per month to \$162.50 per month, to take effect January 1, 1924; Edward O'Keefe, assistant supervising transit inspector, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Jeremiah J. O'Neill, junior electrical engineer, from \$175.00 per month to \$187.50 per month, to take effect January 1, 1924; William H. O'Neil, chauffeur, from \$175.00 per month to \$187.50 per month, to take effect January 1, 1924; George Passwell, assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; Minnie Pandolf, clerk, from \$70.00 per month to \$80.00 per month, to take effect January 1, 1924; Laurence Patterson, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Jesse Perlmutter, accountant, from \$150.08 per month to \$162.50 per month, to take effect January 1, 1924; Alexander Petersen, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; Carl A. Peterson, junior engineer, from \$180.00 per month to \$200.00 per month, to take effect January 1, 1924; Arthur F. Pfaudler, junior assistant, from \$152.50 per month to \$162.50 per month, to take effect January 1, 1924; Nathan Podolsky, stenographer, from \$125.00 per month to \$150.00 per month, to take effect January 1, 1924; Charles J. Pommerer, supervising transit inspector, from \$225.00 per month to \$237.50 per month, to take effect January 1, 1924; Charles C. Puckhafer, junior engineer, from \$212.50 per month to \$225.00 per month, to take effect January 1, 1924; Irene Quinn, stenographer, from \$90.00 per month to \$100.00 per month, to take effect January 16, 1924; John J. Quinn, assistant engineer, from \$250.00 per month to \$287.50 per month, to take effect January 1, 1924; Aaron I. Raisman, designing engineer, from \$583.33 per month to \$666.66 per month, to take effect January 1, 1924; Helen Riordan, clerk, from \$70.00 per month to \$80.00 per month, to take effect January 1, 1924; Frank N. Robinson, assistant secretary, from \$366.66 per month to \$400.00 per month, to take effect January 1, 1924; Ferdinand A. Roche, Jr., junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Dorothy Rosenthal, stenographer, from \$90.00 per month to \$95.00 per month, to take effect January 1, 1924; Abraham A. Rosenzweig, draftsman, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; D. Dunlop Routh, accountant, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Maurice Rubin, junior electrical engineer, from \$180.08 per month to \$190.00 per month, to take effect January 1, 1924; Francis G. Russell, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Philip Sachs, assistant engineer, from \$254.16 per month to \$266.66 per month, to take effect January 1, 1924; Julius Samkoff, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; Philip Sander, junior engineer, from \$180.08 per month to \$200.00 per month, to take effect January 1, 1924; Frank W. Sattler, clerk, from \$145.00 per month to \$155.00 per month, to take effect January 1, 1924; Leslie Saunders, assistant supervising transit inspector, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; William A. Schaefer, inspector of steel, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Minnie Scheimberg, junior

clerk to clerk, from \$60.00 per month to \$65.00 per month, to take effect January 1, 1924; Avery M. Schermerhorn, real estate clerk, from \$366.66 per month to \$400.00 per month, to take effect January 1, 1924; Emanuel Scheyer, designer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; Joseph Schlam, draftsman, from \$192.50 per month to \$200.08 per month, to take effect January 1, 1924; Otto W. Schmidt, junior electrical engineer, from \$165.00 per month to \$175.00 per month, to take effect January 1, 1924; Stephen Schmidt, assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; L. Seymour Schneider, junior assistant, from \$152.50 per month to \$162.50 per month to take effect January 1, 1924; Viola Schnitzler, junior statistical clerk, from \$112.50 per month to \$122.50 per month, to take effect January 1, 1924; Leonard Schollderfer, junior engineer, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; David Schubert, draftsman from \$207.50 per month to \$210.00 per month, to take effect January 1, 1924; Prosser J. Schwartz, inspector of track, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Sander Schwartz, assistant engineer, from \$212.50 per month to \$225.00 per month, to take effect January 1, 1924; Morris Serating, designer, from \$250.00 per month to \$266.66 per month, to take effect January 1, 1924; Irving Sesit, accountant, from \$225.00 per month to \$237.50 per month, to take effect January 1, 1924; Nathan W. Shapiro, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect January 1, 1924; Isidore Shaw, junior engineer, from \$180.08 per month to \$190.00 per month, to take effect January 1, 1924; Floy T. Sheldon, junior engineer, from \$210.00 per month to \$225.00 per month, to take effect January 1, 1924; Edward J. Shields, inspector of conduits, from \$185.00 per month to \$200.00 per month, to take effect January 1, 1924; George H. Siedenburg, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Morris Silverman, draftsman, from \$195.00 per month to \$200.08 per month, to take effect January 1, 1924; David Singer, junior engineer, from \$195.00 per month to \$200.00 per month, to take effect January 1, 1924; Charles J. Slipper, assistant engineer, from \$237.50 per month to \$250.00 per month, to take effect January 1, 1924; William H. Slocomb, chauffeur, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; William O. Smith, supervising transit inspector, from \$237.50 per month to \$250.00 per month, to take effect January 1, 1924; Benjamin Solomon, draftsman, from \$180.00 per month to \$200.00 per month, to take effect January 1, 1924; Florence Spillane, junior clerk to clerk, from \$60.00 per month to \$65.00 per month, to take effect January 1, 1924; Charles A. Standfast, supervising transit inspector, from \$237.50 per month to \$250.00 per month, to take effect January 1, 1924; Morris A. Steinberg, engineer accountant, from \$266.66 per month to \$279.16 per month, to take effect January 1, 1924; Rose B. Steinman, file clerk, from \$109.83 per month to \$116.66 per month, to take effect January 1, 1924; Charles Stikeman, Jr., designer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; William Stroebel, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Mary Strool, clerk, from \$80.00 per month to \$85.00 per month, to take effect January 1, 1924; Patrick F. Sullivan, engineering inspector, from \$180.00 per month to \$200.00 per month, to take effect January 1, 1924; Arthur E. Sundholm, assistant supervising transit inspector, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; Tillie M. Tannenbaum, stenographer, from \$95.00 per month to \$108.33 per month, to take effect January 1, 1924; Henry E. Tatro, junior engineer, from \$210.00 per month to \$225.00 per month to take effect January 1, 1924; Cecelia W. Teale, stenographer, from \$137.50 per month to \$150.00 per month, to take effect January 1, 1924; Reginald H. Thayer, assistant engineer, from \$250.00 per month to \$250.08 per month, to take effect January 1, 1924; Nathaniel A. Thayer, assistant engineer, from \$225.00 per month to \$237.50 per month, to take effect January 1, 1924; Bernard Thickman, junior electrical engineer, from \$152.50 per month to \$160.00 per month, to take effect January 1, 1924; Willis E. Thompson, assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; Charles E. Thomson, assistant engineer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; Margaret Thornton, clerk, from \$90.00 per month to \$100.00 per month to take effect January 1, 1924; Arthur H. Travers, architectural draftsman, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Ethel Treppel, junior clerk to clerk, from \$60.00 per month to \$70.00 per month, to take effect January 1, 1924; Oscar F. Untervinger, architectural designer, from \$266.66 per month to \$291.66 per month, to take effect January 1, 1924; George F. Wagner, junior engineer, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924; Fred L. Warburton, stenographer, from \$90.00 per month

to \$100.00 per month, to take effect January 1, 1924; Arthur Weindorf, architectural designer, from \$250.00 per month to \$275.00 per month, to take effect January 1, 1924; Wilhelmenia Weinert, stenographer, from \$95.00 per month to \$108.33 per month, to take effect January 1, 1924; Solomon Widrewitch, draftsman, from \$195.00 per month to \$210.00 per month, to take effect January 1, 1924; Harry D. Winsor, assistant engineer, from \$266.66 per month to \$300.00 per month, to take effect January 1, 1924; Solomon Wolf, accountant, from \$162.50 per month to \$175.00 per month, to take effect January 1, 1924; William Zeidler, junior electrical engineer, from \$195.00 per month to \$205.00 per month, to take effect January 1, 1924; Hyman Zirulick, draftsman, from \$195.00 per month to \$210.00 per month, to take effect January 1, 1924; David N. Zuckerman, junior engineer, from \$187.50 per month to \$200.08 per month, to take effect January 1, 1924.

1849

Voucher Schedule No. 55

The following resolution was adopted:

Resolved, That this Commission approves the bills and the vouchers covering them, as enumerated below, and directs that said vouchers be transmitted for payment to the Comptroller of The City of New York, or to the Comptroller of The State of New York, as the vouchers may direct.

Vouchers Nos. 1209-1224, open market orders, \$1,427.33; Vouchers Nos. 673-677, miscellaneous bills, \$2,418.39; Vouchers Nos. 39 and 40, Special Payrolls, \$1,625.00; Vouchers Nos. 227-236, City payroll, \$94,519.32; Voucher No. CM-25, State payroll, \$2,541.66.

Estimates by Chief Engineer of Value of Work Done and Material Furnished for the Construction of Rapid Transit Lines for the Periods Indicated Below:

Voucher No. 352; Pattelli & Wilson, approximate estimate No. 1, for the construction of station finish work at the Queens Plaza Station, Borough of Queens, from November 28, 1923 to December 20, 1923 (R. T. 7695) \$2,017.80;

Voucher No. 353; McClintic-Marshall Co., approximate estimate No. 4, for furnishing and erecting structural steel for Third Addition to Shops, Lenox Avenue and 148th Street Yard, under Contract No. 3, from November 16, 1923 to December 15, 1923 (R. T. 7590) \$50,803.20;

Voucher No. 354; Jacob Schlesinger, Inc., approximate estimate No. 17, for the construction of a Second Addition to Shops at Lenox Avenue and 148th Street Yard, under Contract No. 3, from November 16, 1923 to December 15, 1923 (R. T. 7368) \$15,061.22;

Voucher No. 355; Rosenthal Engineering Contracting Co., Inc., approximate estimate No. 10, for the construction of foundations for third addition to shops at Lenox Avenue and 148th Street Yard, under Contract No. 3, from November 21, 1923 to December 20, 1923 (R. T. 7589) \$18,086.72.

1850

Upon motion duly seconded and adopted, the meeting was adjourned to Thursday, January 3, 1924.

JAMES B. WALKER,

Secretary.

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of the

TRANSIT COMMISSION

VOLUME III

From January 1 to December 31, 1923

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Falkin, Tillie	1848
Fanning, William S.	1223, 1410, 1718
Farley, Thomas E.	1166
Fass, Murray M.	1298
Faucett, George B.	1166, 1848
Faulkner, Guy D.	1680
Feddern, Charles F.	191, 628
Feinman, Irving D.	1847
Fellner, Frank T.	1848
Fenton, Fred L.	1848
Ferber, Pauline	1166
Ferreiri, Peter	1166, 1848
Fierstein, William	1203, 1361, 1718, 1785
Finan, Ellen T.	1166
Fink, Harold	241, 272
Finkel, Isaac	1848
Finn, Eleanor M.	1166
Firman, Hyman	1361, 1644
Fish, Leo	1848
Fitzpatrick, James A.	1203
Fleshler, Aaron D.	18, 1166
Foley, Daniel J. R.	1166, 1848
Foley, James J.	1298, 1470
Forer, Samuel M.	1848
Forfar, Robert	1166
Foskett, Earle I.	1166
Foster, William J.	590
Fox, Lee P.	105, 460
Fox, Samuel	1223, 1361, 1785
Frank, Frank J.	1166
Frankel, Stephen	936, 1203
Frankle, Eli	1298, 1361, 1785
Fraser, George D.	1328
Frawley, James J.	1361
Freaney, James G.	1644
Freedman, Max	1848
Freedman, Samuel	1848
Freeman, Samuel	1167, 1718
Freeman, William H.	1166
Friedberg, Anna	718, 1167
Friedenberg, Benjamin	410, 864, 1203
Friedlander, Maurice	43, 460, 936, 1529, 1576
Fritz, Edward	1718
Fucci, Louis V.	1848
Fuld, Sidney	1166
Fullen, William G.	1131
Furre, Berge B.	1848
Gabriel, Harry R.	936, 1033
Gaffney, Cornelius J.	1848
Gaffney, Joseph J.	1848
Gaiser, Edwin J.	191
Gallagher, Frank	1848
Galvir, John F.	1166
Gardella, Louis J.	535
Gardner, Frederick D.	1848
Gardner, Warren	1848
Garfunkel, Harry	590, 1064, 1361
Garfunkel, Joseph I.	1361, 1529, 1576
Garland, Francis L.	1618
Garlan, Joseph J.	191, 1328
Gav, Sidney M.	1166, 1848
Gelbman, William	1618, 1644
Geraci, Alfred F.	535, 570

Employees, Individual—(Continued) : ITEM

Germaine, Mildred	1848
Gerson, Samuel N.	1187, 1361, 1718, 1785
Gewirtz, Henry	590
Geyser, Robert I.	1644
Ghear, Leroy	1166
Gibbons, John M.	411
Gilbert, Robert	936, 1203, 1847
Gilian, Leo	1166, 1470
Gingher, Harry R.	301, 590, 628
Ginsberg, Herman	105, 1361
Gladstein, Joseph	535, 1064
Glasser, Leo M.	1680
Glazer, Bennett E.	1166
Gleason, Mabelle N.	1848
Glockner, Henry R.	1166, 1470
Goldberg, Abraham S.	535
Goldberg, Joseph	1848
Goldfinger, Henry	272, 339
Goldman, Martin	1064
Goldman, Morris	1848
Goldman, Samuel	1166
Goldman, Sarah	1848
Goldshlag, Nathan	272
Goldstone, Rebecca	1848
Goldstone, Jacob L.	1166
Goldstone, Nathan L.	1166, 1430
Gotzen, Joseph G.	1167, 1718
Gould, Edward	105
Gourtoff, Paul	339, 1361
Govern, Benjamin	843, 864
Gowan, Joseph P.	1298, 1470, 1680
Graef, Joseph	1848
Graves, Justin D.	1203, 1680
Gray, Max	1848
Grayman, Jacob	1848
Greenberg, Bessie	1166
Greenberg, Henry	1361
Greenhut, Frederick W.	18, 570
Greenwald, Victor H.	1167, 1410, 1718
Griffin, John H.	1785, 1848
Griffin, Michael J.	1848
Grill, Harry G.	1848
Gundolf, George	1470
Gunning, Joseph J.	1166
Gurnee, Hewitt S.	1644
Gwydir, Daniel R.	1166
Haag, George	1848
Haan, Paul	1109, 1410, 1718
Haar, Selby	1166
Hasse, Harold H. R.	1847
Haldane, Andrew	410, 1410
Halpron, Sadie	1166
Hammond, Reginald B.	1166
Hanley, Edward J.	1064
Hanley, James P.	1748
Hanley, Joseph	1644
Hannigan, James T.	18, 570
Hardenbergh, Joseph R.	1166
Harkavy, Morris	144, 410
Harp, George H.	986
Harris, Benjamin	1470, 1529
Harris, Frederick W.	1166
Harris, Joseph S.	678, 1848
Hart, Fannie A.	1166
Hartzheim, Pauline H.	1166
Harwetel, William	936, 1470
Harwood, Joseph	1848
Hauck, Elmer R.	410, 936, 1718
Hayes, Francis V.	1166
Hayes, Loretta	1470
Healoy, George A.	1166
Heoran, Mary E.	1166
Heimsoth, William D.	1848
Hein, Joseph J.	1109
Heins, Henry	1848
Helfand, Hyman E.	1848
Helfand, Nathan I.	1848
Heller, Max	1166, 1470
Hellers, George N.	1166
Henderson, Harry W.	43, 1033

Employees, Individual—(Continued) :	ITEM	Employees, Individual—(Continued) :	ITEM
Henry, George E.	1166	Kaufman, James	1064, 1223
Herrington, George W.	1848	Kaufman, Lydia E.	535, 570, 1847
Herskowitz, Clara	1166	Kaufman, Mildred	590, 742
Herskowitz, Regina	1166	Kaufman, Samuel I.	1785
Heufner, William	1166	Keegan, John	1848
Hewel, Alfred G.	843, 1064	Keffer, Hillary A.	1166
Hewith, Ellen	678, 718	Keffer, Vincent E.	1166
Hill, Frank M.	18, 570	Kehoe, Katharine B.	1848
Hill, Norman C.	1166, 1848	Keller, Henry	1166
Hille, W.	1166	Keller, Joseph	1166
Hilliard, John W.	1166, 1848	Keller, Lillian	105, 864
Hillman, Isaac	1644	Keleti, Paul J.	1166
Hiney, Nan St. C.	1167	Kellogg, James C.	191
Hirshhorn, Mary A.	1848	Kelly, William H.	1166
Hochman, Louis	43	Kempf, Frederick	72
Hoefler, Julius C.	1848	Kendall, Chester M.	1848
Hodosh, Jacob	1470	Kennedy, Gertrude G.	535, 1166
Hoffman, Walter	1166	Kenny, Thomas J.	1166
Holand, Benjamin	535, 1848	Kentzer, William C.	1410
Holbrook, Howard	1166	Kerbey, George N.	1166
Hole, Roger M.	1618	Kerner, Harry	1748
Hollander, Bella	1166, 1618	Kessler, Charles	1033, 1848
Holm, Clemens F.	339, 380	Killen, Grace	1166
Holmgren, Edna	590, 1223	Kincaid, James J.	590
Holms, Harry T.	1470	King, George I.	1109, 1223, 1361
Holt, Joseph R.	1166	Kirjassoff, Louis S.	936, 1361, 1529, 1785
Horn, John	380, 1109	Kivlen, John P.	105
Horowitz, Nathan	241	Klein, Abraham	1361
Hotter, William	1848	Klein, Frances	1166
Houghtaling, Byron	1166	Kluger, Albert	1166
Howell, Edward R.	1166	Knott, Margaret J.	1109, 1785
Huber, William J.	301, 718	Krummel, Louis W.	380
Hurd, Harry L.	1848	Kohn, Martin I.	1848
Hughes, Charles A.	765	Kranisi, Solomon	1848
Humphrey, Leon A.	460, 590, 815	Krellen, Arthur L.	1848
Hunt, Martin C.	535, 1064, 1223	Krum, Robert P.	1848
Hunting, Henry O.	1166	Kuehn, Henry C.	1166, 1410
Hurley, Edgar T.	1166, 1328, 1644	Kunofsky, Selig	18, 72, 339, 1361
Hutchinson, Edward D.	1166	Kurtz, Simon	339, 1167
Hyman, Florence D.	1166	Kuzmier, George P.	460
Iscol, George	1167, 1470	Lahr, Charles	18, 590, 1269
Israel, Dorothy	1848	Lamarca, Gerlando	1785
Israel, Samuel	1848	Lamke, Daniel H.	1361
Italiener, Helen	1410	Lanigan, Edward A.	678, 1848
Jacknowitz, George	628, 1166, 1328	Larkenu, Walter H.	18, 460
Jacobs, A. James	765, 1748	Larkin, Clarence M.	1848
Jacobs, Isador	1848	Larkin, Vincent L.	1166
Jacobs, Julius	815, 1410	Lauritzen, Peter J.	535, 678
Jacobson, Arthur A.	1470	Laux, Joseph B.	1848
Jacobson, Miriam	1166, 1298	Lavine, Elias	1166
Jacobson, Moses	1848	Lender, Clarence	678, 1109, 1361
James, John W.	43	Lebedun, Harry	678, 1361
Jax, Sigmund G.	1298, 1718	Lee, Harry	815, 1328
Jehien, C. F.	1033	Leer, Leopold	1644
Jenkins, Irene	1166	Lefferts, Edwin B.	1848
Johnson, Earle A.	1166	Lefkowitz, Victor J.	1848
Johnson, George H.	1848	Lehman, Adolph	18, 570
Johnson, Severance	743	Lehrer, Dora V.	18, 1166
Jones, Louis	1410, 1748	Leibowitz, Benjamin	1033
Johnson, William F.	1203, 1361, 1718, 1785, 1847	Leimbach, August F.	144, 1166, 1848
Josefson, Abraham	1361, 1785	Lembeck, Irving H.	1785
Joyce, Jennie M.	1166	Lemke, John L.	894, 1131
Joyce, Peter M.	301, 460	Lenck, Charles A.	1166, 1470
Joyce, Virginia	1848	Lennon, Alfred	1166
Judge, C. John	105, 1361, 1430	Lennon, Margaret E.	1166, 1848
Jukes, Robert O.	1166	Leon, Harry M.	301, 1166
Kahn, Aaron	72, 1064, 1361	Lerner, Sylvia B.	1166, 1848
Kahn, Louis	1166, 1470	Lesley, George H.	105, 144
Kahn, Samuel	1167, 1328	Leventhal, Lillian	1848
Kain, Charles B.	1848	Levine, Mary	1166
Kamman, Louis	815, 864	Levine, Sabina	1848
Kamp, Henry	1848	Levy, Abraham	1166, 1848
Kaslow, Emanuel	1166	Levy, Edward	1848
Kass, Philip	272, 1298	Levy, Morris	1361
Kasten, Alfred B.	1167, 1718	Levy, Nathan	1848
Katz, Bessie	1848	Lieberman, P.	742, 1470
Katz, Martin	1680	Lichtenstein, Anna F.	1166
Katzin, Eva	570, 1166	Lidstrom, Charles D.	1848
Kaufman, Abraham	843, 1298	Lipschitz, Simon	1166, 1529
Kaufman, Anna	1166	Lishinsky, Reubin	1470
		Little, John T.	1848

Employees, Individual—(Continued) :	ITEM	Employees, Individual—(Continued) :	ITEM
Little, Percival P.	628, 815, 1298	Meade, Louis	1848
Llewellyn, William Y.	1033, 1529, 1748	Mednick, Jacob D.	718, 1269, 1361
Lodge, William J.	843, 1181, 1410	Meister, George S.	815, 1361
London, Noah	1361	Meltzer, Benjamin	1166
Loonin, Meyer	590	Meltzer, Edward I.	1680
Lord, Leon G.	1470, 1848	Meschonak, Herman J.	1748
Loring, Harry R.	339, 380	Messinger, Meyer	1166, 1848
Lovely, James C.	495, 590	Messer, Samuel M.	1848
Lowenstein, Milton D.	144	Metzner, Ellis	678, 1223
Lovin, Ira D.	1848	Meyers, John H.	1644
Lucas, Wilmer F.	1033	Michalowitz, Meyer	843, 1064, 1131
Lukowsky, Isador	1848	Michels, Barnett	1848
Lutz, Ulysses E.	1785	Michels, Solomon	1328
Lynagh, William F.	72, 460	Michener, Howard P.	1166, 1847
Lynch, Edward	1848	Miller, Augustus	72, 460, 1618
Lynch, Harriet	590, 1166	Miller, Grace M.	1328
Lynch, Helen A.	1166	Miller, Irving	1223, 1680
Lynch, Marion C.	1167	Miller, Melville S.	1848
Lynch, William T.	339	Milligan, William D.	1166
Lyons, Percy E.	628	Minch, Kenneth H.	1618, 1785
Lyons, John	272, 339, 380	Mintz, Harry H.	301
McAuliffe, Roland J.	765, 1269, 1298, 1328	Mittler, William	1848
McBride, Peter F.	495, 1064	Moganero, Nicholas S.	1361, 1430, 1618
McCaffrey, Aubrey L.	460, 1064, 1109, 1167, 1361	Moir, Wallace	1748, 1785
McCarney, John R.	1848	Mollahan, Julia	986, 1203, 1718
McCarthy, George	864	Monheit, Charles	815, 1618
MacCarthy, James L.	1166, 1167, 1223	Monniche, Carl	43, 105, 144, 815
McCarthy, John	765, 1618	Monroe, Ralph R.	1848
McClure, Walter H.	1166	Moore, Frank E.	1848
McConkey, Charles R.	241, 535	Moran, John A.	570, 1064
McCourt, Agnes C.	1166	Moran, Viola V.	628, 1361
McDermott, Thomas A.	1269, 1785, 1848	Morasca, Melchiorre	1410
McDonnell, Elizabeth A.	1166	Morel, Max	1847
McDonough, Thos. F.	894, 1470	Moreslos, Joseph R.	43
McElroy, William	1848	Morris, Abraham M.	1269, 1361, 1785
McGowan, John L.	936, 1298	Morris, William H.	1166
McGrath, Peter	1848	Mott, Frank D.	1848
McGuire, Frank C.	1848	Mott, Kenneth	1848
McGuire, James J., Jr.	1848	Moynehan, John P.	1848
McInerny, James J.	1166	Mulford, Oscar	742
McKeever, James	1848	Mulhern, John P.	864, 1131, 1410
McKinney, Arthur A.	1848	Mulligan, Walter J.	1361
McKinley, Walter C.	1166	Mullin, John W.	1166
McLaughlin, Edward	1166	Mullins, Katherine B.	1166
McNicholas, James J.	1166, 1848	Munk, Fred C.	1166
Much, Joseph L.	1848	Munves, Irving	105, 410
Mucaluso, John J.	272, 339, 1410	Murgatroyd, George	1848
Macri, Edward J.	1748	Murphy, Francis J.	1269, 1410
Madden, Anthony T.	1109	Murphy, Frank	105
Madden, Charles P.	1223	Murphy, Stephan	1166
Maddox, V. Harold	1166	Murphy, Walter A.	1167, 1718
Mager, Isidor	241, 495, 1109	Murphy, William J.	1166
Maitland, Edward V.	1203, 1718	Murray, John F.	1166, 1848
Malcolm, Harvey	212, 1361	Musen, Oscar	1166
Malcolmson, Abraham	1848	Myers, Lillian	1848
Malin, Israel	460, 1361	Nachamias, Max	718, 1576
Malone, Richard A.	895	Nagin, Morris	718, 1269, 1470
Maloney, Barbara A.	1166	Nagorski, Frank A.	339, 380
Maloney, Thomas A.	1848	Naher, Cora	1166
Manion, Elliott S.	43, 380	Napier, Hugh J.	1166
Many, Walter R.	1167, 1361, 1718, 1847	Nason, John M.	1166
Manzler, Carl W.	1166	Nathan, Harry	570, 1166, 1361
Marcier, Yvonne M.	1064	Needle, Hyman	590, 894
Marcus, Maurice A.	241	Nelson, Benjamin I.	535, 1064, 1109, 1361
Marcus, Max	742	Nelson, Martin	339, 380
Marder, Louis	18, 1848	Neugebauer, Norman C.	1848
Margolis, David	272, 535	New, John F.	1848
Margolis, Ida	1847	Newman, Harry	495
Marlor, Charles E.	1064, 1203	Newton, Lucille M.	1166
Marra, Robert	1410	Nicholson, Arthur J.	1644, 1748
Marron, John J.	1166	Nicholson, Lloyd B.	718, 742
Martin, Paul	1166	Niles, William N.	1430
Martocci, Dominic C.	1167	Nilsson, Olaf A.	1166, 1848
Masucci, Dominick A.	1680	Norchi, Charles H.	1470
Matocci, Dominick C.	1718	Northrop, Stanley M.	1785
Matheis, Leland V.	1430, 1680	Noska, Clarence E.	1470
Motter, Albert	678	Notkin, Minnie	1166
Maurice, Benjamin	1166	November, Nathan	1618, 1847
Mausser, Joseph A.	1848	Nugent, William R.	864, 1361, 1410, 1785
Maxwell, Mae E.	1298, 1848	Nutoff, Estelle	1848
		Nyman, Leo	1748

Employees, Individual—(Continued) :	ITEM	Employees, Individual—(Continued) :	ITEM
O'Connor, James	380, 1361	Rittel, Charles F., Jr.	843, 1410
O'Connor, Patrick J.	1848	Rizack, Pincus	1166, 1470
O'Donahue, Helen	1166	Roberts, Morris	460, 590, 1361, 1644
O'Driscoll, William D.	628, 1064	Robins, Roscoe E.	864, 1109, 1328
Ogilby, Thomas	718	Robinson, Frank N.	1848
O'Hanlon, Edwin A.	1167	Rocke, Ferdinand A., Jr.	1848
O'Hanlon, Edwin A.	1410, 1718	Rode, George W.	272
O'Hara, Thomas	241, 1166, 1848	Rode, William	1166
O'Heir, John F.	1131, 1718	Rodman, Philip	1166
O'Keefe, Edward	1166, 1848	Rogers, Curran	410
O'Leary, William A.	1167, 1361, 1718, 1785	Roggins, Louis B.	1618
O'Mara, John	1166	Rooney, John J.	894, 1223
O'Neil, Adam J.	1166	Rooney, Patrick F.	1618
O'Neil, Jeremiah	1166, 1848	Rosenbaum, Anna B.	1166
O'Neil, William H.	1848	Rosenberg, Hyman H.	18
Ornstein, Mollie	986, 1166	Rosenberg, Millie	1166
O'Shea, James P.	1064, 1470	Rosenfeld, Joseph R.	718
O'Toole, Agnes M.	1166	Rosenthal, Dorothy	1848
Ovenden, Helen	1748	Rosenthal, Leonard	1618
Paswell, George	144, 1748, 1848	Rosenzweig, Abraham A.	1848
Pacheco, Rafael	864, 1064, 1328	Rosmarin, Sydney	1166
Pagler, Nicholas G.	1430	Rossire, Henry L.	1223, 1361, 1410
Pahler, John S.	1166	Rctgard, Jacob	1166
Palmer, Percy S.	272, 1361	Rothbard, Samuel	1361
Palmer, Raymond D.	843	Routh, D. Dunlap	1848
Pandolf, Minnie	1848	Rubenstein, Louis	1470
Papps, Andrew A.	1166	Rubin, Maurice	1848
Parker, Joseph S.	460, 678	Rubin, Rueben	765, 1361, 1410, 1785
Patterson, Lawrence	1166, 1848	Rudesill, Samuel M.	1361
Patterson, T. H.	1166	Russel, Francis G.	1166, 1848
Pennefather, Arthur G.	1203	Russell, William	1033, 1298
Pennette, Ruth	1166, 1269	Ryan, Francis	1166, 1410
Perlmutter, Jesse	18, 1848	Ryan, John S.	1166
Perlstein, Philip	1131, 1269	Sachs, Philip	1848
Pessolano, Anthony F.	105	Salant, Joseph	1644
Petersen, Alexander	1848	Salvesen, Simon	105, 1410
Petersen, Carl A.	1848	Salzberg, Morris M.	1470
Pfaunder, Arthur F.	1848	Samkoff, Julius	1848
Pickoff, Samuel A.	535, 628, 1064	Sampson, James E.	1203, 1361, 1718, 1785
Pinkard, Arthur W.	1166	Sander, Philip	1848
Pinney, Charles B.	410	Sandler, Morton	1847
Plentl, Max	1203	Sarfaty, David H.	1166
Pletz, Ferdinand J.	1166	Sattler, Frank	1166, 1848
Plotkin, David A.	1166	Saunders, Leslie	1166, 1848
Podolsky, Nathan	1848	Schafer, J. Clinton	1167
Pohren, Joseph F.	1166	Schafer, Edward	339, 678, 1269
Politoske, Edward J.	380, 535	Schaefer, William	1848
Pommerer, Charles J.	1166, 1848	Schantz, Maxwell	339, 1328
Poppellwell, Sidney	1410	Scheimberg, Minnie	1848
Porter, George F.	1618, 1847	Schenkler, Jessie	1064, 1167
Poutier, Stephen M.	535, 570, 1064, 1361	Schermerhorn, Avery M.	1848
Power, William V.	1167, 1718	Scheuring, John	1166
Preston, Albert W.	1718	Scheyer, Emanuel	1848
Proetto, Anna	936	Schiff, Abraham	1109, 1167
Puckhafer, Charles C.	1166, 1848	Schilliro, Vincent	1167, 1361, 1718, 1785
Pullis, Granville W.	742, 1269, 1298, 1328	Shilowitz, Charles	1748
Quilty, Daniel J.	1680	Schlam, Joseph	1848
Quinn, Irene M.	986, 1848	Schlechtiger, Edward	18
Quinn, J. J.	1109, 1848	Schmidt, Edward C.	815, 1203
Rabiner, Isador	1166	Schmidt, O. W.	628, 1848
Rabinowitz, Benjamin	380	Schmidt, Stephen	1848
Raboy, Nathan	105, 1361	Schneider, Ethel H.	1131
Raisman, Aaron	1848	Schneider, Seymour	1298, 1410, 1848
Ramsey, James E.	1430	Schnitzler, Viola V.	1361, 1848
Rattinger, Peter E.	815, 986	Schoener, Mortimer	495, 1064, 1361
Redington, George O.	1131	Scholderfer, Leonard	1848
Regenstreich, Theodore	301, 339, 1361	Schubert, David	191, 1848
Rehr, Louis	1166	Schulman, Harry W.	18, 339
Reich, Henry	1203, 1718	Schulman, Nathan	1748
Reichel, Israel	1166, 1269	Schurr, Rebecca	1166
Reicher, Oscar	628	Schwartz, Benjamin	864
Reichmuller, David	1718	Schwartz, Prosser J.	1848
Reilly, Isabella R.	1576	Schwartz, Sander	1166, 1618, 1848
Reilly, Joseph	380	Scott, Emmett J.	1223, 1361, 1847
Reinber, Gustave	815	Scott, John H.	144, 843, 1109
Reinber, Gustave	815, 1410, 1470	Scott-Smith, Lawrence T.	1410
Reinwald, Margaret	1166, 1748	Scrivens, Albert W.	936, 1223
Remson, George M.	1131, 1223	Scully, Mildred	1166
Richters, Margaret F.	1064	Seale, Allen D.	1166
Ridgway, Robert	895	Seaman, Chapman W.	1644
Rirdan, Helen	1848	Serating, Morris	1848

Employees, Individual—(Continued):	ITEM
Seufert, Louis	590, 628, 678
Sesit, Irving	1848
Shafer, I. C.	1328
Shanahan, Joseph A.	1166
Shapiro, Elsie	1410
Shapiro, Mildred	590
Shapiro, Nathan W.	1848
Shaw, Isadore	1848
Shayness, Nathar A.	1361
Sheahan, Richard T.	1166
Shearn, Clarence J.	743
Sheehan, John A.	380
Sheil, John R. J.	380
Sheldon, Floy T.	1848
Sheldon, Harry M.	1166
Shelton, Frank A.	1166
Shemin, William	1644, 1847
Shields, Edward J.	1848
Shilowitz, Charles	1410, 1748
Shockley, Homer G.	241, 339
Shulman, Abraham I.	894, 1109
Siebel, Gussie	43, 212, 628, 742
Siedenburg, George H.	1848
Siegal, Fannie B.	1166
Siegal, Jacob J.	1166
Silsby, Albert H.	742
Silver, Benjamin	339, 1361
Silverman, Benjamin	495, 1064, 1131, 1410
Silverman, Michael	1166
Silverman, Morris	1848
Silversmith, Isador	1470
Silverstein, Lillian	1166
Simon, Jacob	628, 894
Singer, David	1848
Sirinek, Antoinette	1166
Skeer, Abraham	718, 986
Slipper, Charles J.	1166, 1848
Slocumb, William H.	1848
Smith, Arthur W.	1680
Smith, Russel A.	1410
Smith, William O.	1166, 1848
Smolensky, Joseph	1785
Smolensky, Martiman G.	495, 1064
Snow, William H.	678, 1269, 1298
Sokolow, Milton	43, 495, 1223
Solomon, Benjamin	1848
Solomon, Paul	628
Solow, Alexander S.	191
Spaet, Morris E.	1361
Spahn, Isie	301, 1131
Sparer, Nathan B.	339, 864, 1064, 1361
Spector, Philip	1166, 1470
Speer, Carl J., Jr.	843, 1410, 1470
Speck, Walter E.	1167, 1718
Spillane, Florence	1848
Spinelli, Dominic C.	1223
Spinelli, Marius L.	339, 495
Spivak, William	1680
Springer, Ernest	1361
Standfast, Charles A.	1166, 1848
Steinbeck, Herbert W.	986, 1361, 1529
Steinberg, Morris A.	1848
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No. 291 Brooklyn-Manhattan Transit Corporation, approximate estimate No. 1 and final estimate for raising track at Whitehall St. station of the Broadway-Fourth Ave. Line, \$375.73	1577
No. 292 New York Rapid Transit Corporation, approximate estimate No. 7 for lengthening platform at the Canal St. station of the Centre St. loop, \$2,901.72	1577
No. 293 Frederick L. Cranford, Inc., approximate estimate No. 16 for the reconstruction of a part of Sec. 3, Rte. 33, completion of Lawrence St. station, \$11,122.26	1577
No. 294 Hamme & Jackson, Inc., approximate estimate No. 3 for reconstruction of a retaining wall on both sides of 60th St. Tunnel at N. Jane St., Borough of Queens, \$4,665.06	1577
No. 295 Philip J. Healey, final estimate for making test borings in the proposed Coney Island Line in the Borough of Brooklyn, in the proposed Westchester Line in the Borough of The Bronx and along the proposed extension of the Broadway-Fourth Ave. Line in Central Park, Borough of Manhattan, \$734.45	1577
No. 296 George Cclon & Co., final estimate for the construction of Union Square connection station, Rtes. 5 and 8, Broadway-Fourth Ave. and 14th St.-Eastern Lines, \$5,597.67	1577
No. 297 Fox, Reynolds Co., Inc., approximate estimate No. 5 for the excavation and the construction of a retaining wall at the Lenox Ave. and 148th St. yard, \$8,090.55	1577
No. 298 Rosenthal Engineering Contr. Co., Inc., approximate estimate No. 14 for the construction of inspection shed enclosures for Rte. 18, 180th St. yard, \$8,277.96	1619
No. 299 Jacob Schlesinger, Inc., approximate estimate No. 5 for making changes in subway structures necessitated by the widening of 60th St. between 2d and 5th Aves., Borough of Manhattan, \$7,622.73	1619
No. 300 Frederick L. Cranford, Inc., approximate estimate No. 7 for the construction of Sec. 6-A-1, Rte. 8, \$31,705.98	1619
No. 301 Powers-Kennedy Contracting Corporation, approximate estimate No. 17 for the construction of a part of the Queensboro Subway R. T. R. R., Rtes. 35 and 67, \$77,573.08	1619
No. 302 Oakdale Contracting Co., Inc., approximate estimate No. 6 for the construction of a part of a rapid transit railroad, Sec. 3, Rte. 52, Flushing Line, \$69,969.42	1619
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