

*Original in Public Service Commission*

DECISIONS OF

**The Public Service Commission**

OF THE

**COMMONWEALTH OF PENNSYLVANIA**

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**VOLUME 14**



HARRISBURG, PENNSYLVANIA  
1937

SECOND: That the certificate holder is limited and restricted to the operation of motor vehicles as named and described in Equipment Certificate.

THIRD: That the applicant shall comply with all the provisions of The Public Service Company Law as now existing or as may hereafter be amended, and General Order No. 29, effective January 1, 1933, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke, or rescind the rights and privileges conferred by the certificate.

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BOROUGH OF JERMYN

v.

NEW YORK, ONTARIO AND WESTERN RAILWAY  
COMPANY

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COMPLAINT DOCKET No. 11008

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*Crossings—Railroad crossings at grade—Protection—Use of flashing light signals—Substitution—Article V, Section 12—Manual protection—Public necessity.*

Where a railroad company had installed flashing light signals at a grade crossing in a borough in lieu of watchman protection, upon complaint that the protection was inadequate, and that the crossing watchman service was discontinued without Commission approval, as required by Article V, Section 12 of The Public Service Company Law, the Commission sustained the complaint. The Commission ordered respondent company to provide watchman protection service in addition to the flashing light signals during specified hours, where the testimony showed that manual protection was necessary for school children, and where the visibility at the crossing was poor.

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*H. D. Carey* for the Complainant.

*Paul Bedford* for the Respondent.

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REPORT AND ORDER BY THE COMMISSION, *March 31, 1936:*

This matter comes before us upon complaint that the protection afforded by flashing-light signals located at a public grade crossing of Delaware Avenue over the tracks of the New York,

Ontario and Western Railway Company in the Borough of Jermyrn is inadequate.

Delaware Avenue leads from a junction with State Highway Route 6, approximately one block west of the crossing, eastward over two main tracks of the New York, Ontario and Western Railway Company to the eastern portion of the Borough of Jermyrn, and to a part of the Borough of Archbald. Between the hours of 7:30 A. M. and 5:30 P. M. the crossing is used by approximately 1300 pedestrians, 200 of whom are school children and 800 vehicles daily. Visibility at the crossing is restricted in certain directions. The two tracks of the New York, Ontario and Western Railway Company passing over the crossing comprise a portion of the main line of that company between the Scranton anthracite mining districts and New York State. In the vicinity of the crossing train movements are operated under yard rules, and train speeds are accordingly restricted to less than 30 miles an hour.

Prior to March 12, 1935, the grade crossing was protected by a crossing watchman between the hours of 8 A. M. and 5 P. M., daily. But prior to that date and following a series of four accidents at the crossing in a period of three months ended February 1934, the railroad company without securing authority from The Public Service Commission, as required by Article V, Section 12 of The Public Service Company Law, installed flashing-light signals, and removed the former watchman protection.

After careful consideration of the facts of record and circumstances involved, the Commission is of the opinion that the character of travel over the crossing and its extensive use by school children necessitates manual protection in addition to the existing protection by flashing-light signals, during such hours as the crossing may be used by children going to and from school; and we find that such additional manual protection is necessary for the protection and safety of the public; **THEREFORE,**

**NOW, to wit, March 31, 1936, IT IS ORDERED:** That the complaint be and is hereby sustained.

**IT IS FURTHER ORDERED:** That a watchman be provided by the respondent company, and stationed at the aforesaid grade crossing on each school day between the hours of 8:00 A. M. and 5:00 P. M.