

DECISIONS OF

Pennsylvania Public Utility Commission

VOLUME 19



HARRISBURG, PENNSYLVANIA
1942

Furthermore, the record in this case contains some proposals for abandonment of transit lines and the substitution of bus operations therefor. The Commission and its predecessor have spent much time and large sums of money to produce the facts concerning the Philadelphia Rapid Transit financial condition for the sole purpose of effecting a reorganization upon sound financial and operating bases. The accomplishment of this purpose will result in an efficient transit system for the citizens of Philadelphia and sound physical assets as the basis of security issues for investors.

If there should be any interruption of service or curtailment thereof through the action of underliers or other interested parties the Commission is empowered to entertain and will entertain applications from other parties for bus transportation in the City of Philadelphia. The public must be served and shall be served by one method or the other.

Therefore, I concur with the majority in disapproving the second revised plan of reorganization as amended June 1, 1938, but differ in the findings contained in the majority opinion on the several matters hereinbefore mentioned.

I would deny the applicant's exceptions as follows: 1 to 4, 6 to 18, 22 to 27, 29, 32, 33, 35 to 37, 40 to 43, 50 to 70, 75 to 88, 90 to 97, 101 to 109, 115 to 117, 119 to 134, 144, 145, 154, 155, 166 to 171, 173, 175, 177 and 194.

I would sustain exceptions 28, 98 to 100, 111 to 113, 143, 172, 174, 176, 178 to 192.

Exceptions otherwise held in this opinion 19 to 21, 39, 110, 118, and 195 should be denied.

APPLICATION OF LACKAWANNA AND WYOMING VALLEY RAILROAD COMPANY

APPLICATION DOCKET No. 53146

Crossings—Protection—Change from watchman to automatically operated traffic signals.

The Commission permitted a railroad to discontinue protecting grade crossings by stopping and having a flagman precede each train, and to install automatically operated traffic signals at each crossing when the public would be adequately safeguarded by the change and the railroad would save the expense of two flagmen.

The Commission refused a railroad permission to discontinue protecting a grade crossing by a watchman on the ground, for 16 hours daily when the electric power was obtained from a third rail located near the crossing over which several hundred school children travelled four times a day.

Evan C. Jones for applicant.

William H. Gillespie and *K. J. English* for protestant.

ORDER BY THE COMMISSION, *October 10, 1938*:

This matter comes before us, upon petition received June 6, 1938, of Lackawanna and Wyoming Valley Railroad Company, seeking our approval of the discontinuance of 16-hour watchman protection presently maintained at the crossings at grade of tracks of the applicant across Pine Street, in the City of Pittston, and across North, River, Franklin, Main and Washington streets and Pennsylvania Avenue, in the City of Wilkes-Barre, Luzerne County, and the substitution in lieu thereof of continuous protection by automatically-operated traffic type signals. Traffic lights operated by the existing automatic block signal system are presently installed at the North and River streets crossings in Wilkes-Barre. To complete the installation of traffic signals at the above grade crossings in Wilkes-Barre will necessitate the extension to Pennsylvania Avenue of petitioner's automatic block signal system, which is in operation between the City of Scranton and River Street, Wilkes-Barre, and the installation of traffic type signals at the crossings of Franklin, Main and Washington streets and of Pennsylvania Avenue.

At the hearing in this proceeding, witness for the railroad company testified that the present method of protecting the movement of trains and cars over all crossings at grade in Wilkes-Barre is to stop the car or train at each crossing. A flagman, who rides each train or car, then advances to protect each crossing before any movement is made over the street or highway. He testified that such protection is provided for 16 hours daily, and that if this Commission approved the proposed change in protection, it was proposed, in operating cars or trains over the crossings, to sound a gong and to limit the speed of cars and trains over the crossings to a few miles an hour.

Testimony was introduced to the effect that, within the limits of the City of Wilkes-Barre, the electric power necessary for the operation of applicant's trains and cars is collected from overhead trolley wires, while on the remainder of the route, including the portion in Pittston, the electric power necessary for the operation is collected from a third rail conductor charged at 600 volts potential energy.

Another witness for the railroad company testified that the cost of extending the present automatic block signal system of traffic lights to include the crossings of Franklin, Main and Washington streets and Pennsylvania Avenue, in the City of Wilkes-Barre, is estimated to be \$1,415.05, and \$300 additional would be required to provide manual control of the signals at each crossing.

It was testified that at the Pine Street crossing in Pittston, the high voltage third rail terminates six feet from the inside sidewalk line, and consequently, that trains or cars operating in either direction over this crossing must of necessity be operated at such speed that a car will drift the distance from six feet on one side of the sidewalk line, across the crossing, to a point six feet beyond the sidewalk line on the opposite side of the crossing, less the distance between contactor shoes, in order to again make contact with the third rail power conductor. It was also testified that this crossing is presently protected for 16 hours, daily, by a watchman on the ground, and also by an overhead traffic light which, upon the approach of a car or train, changes the normally green signal aspect displayed toward the street to red.

Protest against the proposed change in protection at the Pine Street crossing in the City of Pittston was entered by officials of the city. Witness for the City of Pittston submitted, as an exhibit, a plan showing that the grade of Pine Street is in excess of 16% in the immediate vicinity of the crossing. Exhibits were also submitted by witness for the City of Pittston to show that, during the school year, the Pine Street crossing is used four times each day by several hundred school children.

After full investigation of the matters and things involved, it appears that the automatically-controlled traffic type signals, proposed to be installed at grade crossings in Wilkes-Barre, will give adequate warning to the public of the approach of cars and trains, and such signals will provide continuous and more effective protection than that presently furnished by the use of two employes who ride all cars and trains within the city limits and precede such movements over grade crossings. We will consequently approve that portion of the proposed change in protection located within the limits of the City of Wilkes-Barre, subject, however, to certain conditions as set forth below. It further appears that at the Pine Street crossing in Pittston, because of the location of the high voltage third rail conductor, and in view of the extensive use of the crossing by school children, the watchman and signal protection presently maintained at this crossing should be continued; **THEREFORE,**

NOW, to wit, October 10, 1938, IT IS ORDERED: That the prayer of petitioner be, and is hereby granted, subject, however, to the following six conditions:

First: That applicant continue to maintain 16-hour protection by watchmen and continuous protection by contactor operated traffic lights, at its crossing at grade over Pine Street in Pittston.

Second: That applicant, at its sole cost and expense, extend its block signals system to Pennsylvania Avenue, Wilkes-Barre, and install automatically-operated traffic type signals at its grade crossings at Franklin, Main and Washington streets and Pennsylvania Avenue.

Third: That applicant submit to this Commission for its approval, circuit and location plans of the proposed signals, said circuits to be so designed that manual control of the circuits may be provided, if desired in the future, with a minimum disturbance to existing circuits.

Fourth: That the speed of trains and cars over the crossings be limited to a maximum of five miles an hour.

Fifth: That applicant pay all costs in connection with the maintenance of the traffic signal protection.

Sixth: That all work herein ordered be completed on or before January 31, 1939.

CITIZENS PROTECTIVE LEAGUE and
JOHN J. McGEADY, individually

v.

SCRANTON-SPRING BROOK WATER SERVICE COMPANY

COMPLAINT DOCKET No. 11591

Procedure—Reopening rate proceeding.

The Commission dismissed a complaint which endeavored to reopen a closed rate case, where the complainant averred the rates prescribed by the Commission for respondent were returning an excessive rate, although complainant had not appealed from the Commission order fixing the rates.

John W. Crolly and G. Miller for the complainants.

Frank J. McDonnell and George F. McGuigan for the respondent.

ORDER BY THE COMMISSION, *October 10, 1938:*

On March 3, 1936, the predecessor Public Service Commission issued a report and order in the case of *City of Scranton et al. v. Scranton-Spring Brook Water Service Co. (C. 7652)*, wherein, *inter alia*, respondent was directed to file tariff schedules calculated to produce a