

DECISIONS OF

# Pennsylvania Public Utility Commission

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**VOLUME 19**



HARRISBURG, PENNSYLVANIA  
1942

## APPLICATION OF BOROUGH OF OLD FORGE

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APPLICATION DOCKET No. 41689

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*Crossings—Grade Crossing—Refusal to permit Crossing at Grade.*

The Commission refused to permit the construction of a crossing at grade over the single tracks of a railroad where the plans submitted showed the approaches would be on steep grades descending to the crossing so that it would create a hazard for vehicular traffic approaching the crossing.

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*Saverio Rosato and Edward M. Murphy for the Applicant.*

*Harold W. Wruble and Jacob Shiffman for Taxpayers.*

*Herbert W. Smith for the Respondent.*

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ORDER BY THE COMMISSION, October 24, 1938:

West Oak Street (State Highway Route No. 35050) connects the subdivision of Austin Heights, which lies in a northwesterly direction, with the central portion of Old Forge Borough. The population of Austin Heights together with an outlying section called the Bush Patch is approximately 2300.

The instant application proposes the extension and construction of Oak Street, crossing at grade the tracks and right of way of Lehigh Valley Railroad Company. A hearing was held on April 12, 1938.

Oak Street (State Highway Route No. 35050) begins at its intersection with Main Street, State Highway Route No. 35055 (Wilkes-Barre-Scranton Highway), and extends in a northwesterly direction for a distance of about 2300 feet to a crossing at grade across a single track of Erie Railroad Company. The continuation of the highway, which is known as West Oak Street, extends thence in a northerly direction for approximately 1100 feet to a crossing at grade across a single track of the Austin Branch of Lehigh Valley Railroad Company, thence in a northerly direction for a distance of about 1665 feet to a junction with State Highway Route No. 35049 (Keyser Avenue or the Carbondale-Wilkes-Barre Highway), and thence in a generally westerly direction a distance of about 2200 feet to a junction with Franklin Street in Austin Heights. Oak Street, beginning at the intersection with Main Street, consists of a 38-foot concrete pavement, which extends about 2200 feet to within 100 feet of the Erie Railroad Company crossing. The remaining portion of this road to the junction with State Highway

Route No. 35049 (Keyser Avenue) has recently been improved by means of a stone base. Vehicular traffic on the road is estimated at 600 to 900 vehicles per day.

Testimony shows that the applicant has had under construction as a WPA project the extension of Oak Street (State Highway Route No. 35050), and the plan submitted by the applicant as Exhibit No. 3 shows that the extension begins at a crossing at grade across a single track of Erie Railroad Company in Old Forge and proceeds in a northwesterly direction in a direct line to a meeting with the southeastern terminus of Franklin Street in Austin Heights, a distance of approximately 1800 feet, and that the applicant proposes to cross a single track of Lehigh Valley Railroad Company at grade at a point about 300 yards southwest of the existing crossing. Completion of the proposed construction would shorten the distance between State Highway routes Nos. 35049 (Keyser Avenue) and 35055 (Main Street, Old Forge) about 1475 feet. Applicant's Exhibit No. 1 is the original of the ordinance extending Oak Street from a crossing at grade of Erie Railroad Company single track, thence across a single track of Lehigh Valley Railroad Company, thence to Keyser Avenue and crossing Keyser Avenue to Franklin Street in Austin Heights.

According to the testimony, rough grade has been substantially completed on the new alignment with the exception of a 60-foot section which traverses the right of way of Lehigh Valley Railroad Company track extending between Austin Heights and Coxton.

The testimony shows that Federal funds approximating \$13,000 and borough funds approximating \$3850 were allocated for the extension of Oak Street and that there are sufficient funds available from the allotment to complete the work proposed in the instant application at an estimated cost of \$1200. The testimony indicates that the Borough of Old Forge expects Lehigh Valley Railroad Company to assume the major portion of the costs of the highway incident to the crossing at grade, while the representative of Lehigh Valley Railroad Company indicates that the railroad management believes these costs estimated at \$445.55 should be assumed by the Borough of Old Forge.

Testimony shows that the proposed crossing at grade of Lehigh Valley Railroad Company track is desired mainly to provide a direct all-weather road for school children and residents of Austin Heights to travel to and from the central portion of the Borough of Old Forge; to facilitate the movement of fire apparatus between the separated portions of the borough; that the completion of the extension of Oak Street, as proposed, will divert approximately 90 to 95 per cent of the present traffic from the existing crossing; and that the proposed highway will form a more direct connection be-

tween State Highway Route No. 35055 (Main Street) and State Highway Route No. 35049 (Keyser Avenue).

Testimony also shows that the grade of Lehigh Valley Railroad Company track at the site of the proposed crossing at grade is 1.1 per cent descending to the south or toward Coxtan; that trains are operated over the track at a moderate rate of speed and that the volume of traffic at the present time is light and dependent upon the operation of the coal mines.

The easterly approach to the proposed crossing at grade of Lehigh Valley Railroad Company is shown as a 10 per cent descending grade for a distance of about 350 feet on the applicant's revised profile, Exhibit No. 2. The rough grade at the time of the hearing was about 13 per cent and the applicant proposes to reduce this grade to 10 per cent. The westerly approach to the proposed crossing at grade of Lehigh Valley Railroad Company is about an 8 per cent descending grade and the record shows that this grade extends for a distance of 650 feet, more or less. Exhibit No. 2 of the testimony shows that the approaching grades are connected by means of a vertical curve about 65 feet in length. Testimony shows that the construction of an overgrade highway crossing is feasible at the location of the proposed crossing at grade at an estimated cost of about \$80,000.

Testimony shows that the proposed highway will be graded to a width of 32 feet, paved with a bituminous surface, and provided with three-foot wide gutters on each side of the roadway.

After a careful review of the record, we find that applicant has failed to establish manifest and unavoidable necessity for the construction of the proposed crossing at grade. The record shows that more than 90% of the traffic now using the present crossing of West Oak Street will be diverted to the proposed crossing and that the approaches to the proposed crossing will be on steep grades descending to the crossing. Such steep grades will undoubtedly create a hazard for vehicular traffic approaching the crossing. The record further shows, in view of the grades of the approaches, that the topography is favorable to the construction of an overgrade crossing. In view of all the foregoing, we find and determine that the creation of the proposed crossing at grade would not be in the public interest; **THEREFORE**

**NOW**, to wit, October 24, 1938, **IT IS ORDERED**: That the prayer of the petition be and is hereby denied.