

DECISIONS OF

Pennsylvania Public Utility Commission

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1944

APPLICATION OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 60270

Crossings—Flashing-light Signals.

Where a crossing was not used extensively by either highway or railroad traffic, the Commission authorized the installation of automatic flashing-light signal protection in lieu of watchman protection at the crossing.

G. W. Morgan for Applicant.

E. Eugene Eves for the Town of Bloomsburg.

BY THE COMMISSION, *November 24, 1941*:

This matter comes before us upon application of The Delaware, Lackawanna and Western Railroad Company for our approval of the discontinuance of the protection presently provided for 16 hours daily by gates and watchmen at the crossing at grade of tracks of the railroad company across Locust Street (State Highway Route No. 4, Spur) in the Town of Bloomsburg, Columbia County, and the substitution in lieu thereof of continuous protection by flashing-light signals.

At the hearing a witness for the applicant submitted as applicant's Exhibit No. 1 a blueprint on which the relative locations of the streets, railroad tracks, and buildings in the vicinity of the Locust Street crossing are shown. The exhibit indicates that the applicant's tracks extend in a general east-west direction and are crossed by Locust Street approximately at a right angle. This street extends in a northerly direction from a connection with Berwick Road, U. S. Highway Route No. 11, and provides an alternate route for traffic using this route through Bloomsburg. The exhibit indicates that Locust Street is crossed by one main and two siding tracks of the railroad company.

A witness for the applicant submitted as applicant's Exhibit No. 3 a summary of a 24-hour traffic count made on May 20, 1941, which indicates that the crossing was used by 269 motor vehicles, 70 other vehicles and 136 pedestrians on that day. During the same period the crossing was used by four passenger trains and by four freight trains. In connection with the count of 70 vehicles other than motor

vehicles using the crossing, the witness testified that 69 of these movements were made by a group of children riding bicycles a number of times over the crossing. In addition to the train movements indicated in the traffic count, the witness testified that the crossing is also used by two switching movements made on an average of about two times each week. It was testified that the maximum speed of trains or engines in the vicinity of and over the crossing is 20 miles an hour.

A witness for the applicant also submitted as applicant's Exhibit No. 4 a blueprint on which the views to be obtained of the proposed flashing-light signals are indicated. This exhibit shows that in approaching the crossing from the north a clear view of the proposed signals can be obtained for a distance of 600 feet, and that in approaching the crossing from the south a clear view of the proposed signals can be obtained for a distance of 500 feet.

Counsel for the applicant stated of record that no property damage or personal injury accidents involving contact with engines or trains by motor vehicles or pedestrians had occurred at the crossing in the period from January 1, 1936 to May 1, 1941, inclusive.

A witness for the applicant testified that the installation of the proposed flashing-light signals at this location was estimated to cost \$3,000. It was also testified that in the event of approval of the instant application all train and engine movements over the crossing on the siding tracks would be protected by a member of the respective train crews flagging the crossing.

With respect to the relative merits of the proposed flashing-light signal protection and the present protection by watchmen and gates, the testimony of a witness for the applicant shows that flashing-light signals are placed at fixed and uniform locations, can be seen at long range, are uniform and constant in the warning provided, are clearly visible at night, and are particularly effective under adverse weather conditions. He testified that an inherent danger existed in protection by crossing gates in that there is a possibility of vehicles or pedestrians becoming intercepted between the lowered gates.

Officials of the Town of Bloomsburg entered protests against the proposed change in protection at this location. A witness for the protestant submitted as protestant's exhibits Nos. 1-A, 1-B, 1-C and 1-D counts of traffic moving over the crossing made on June 7, 1941 and June 8, 1941. Exhibits Nos. 1-A and 1-B indicate the volume of traffic using the crossing during the period from 11:00 A. M. to 11:00 P. M. on June 7, 1941, and show that the crossing was used during that period by 237 motor vehicles, 128 bicycles, 139 pedestrians

and by one eastbound passenger train, one westbound passenger train, three eastbound freight trains and three westbound freight trains. During the period from 7:00 A. M. to 11:00 P. M. on June 8, 1941, protestant's exhibits Nos. 1-C and 1-D indicate that the crossing was used by 186 motor vehicles, 62 bicycles and 98 pedestrians and by one eastbound passenger train, one westbound passenger train, two eastbound freight trains and two westbound freight trains.

Protestant's witnesses testified that they had observed trains at various times moving over the crossing which, in their opinion, were operated at a higher rate of speed than the authorized 20 miles an hour.

Upon cross-examination, a witness for the protestant testified that in his opinion the proposed flashing-light signals would be as clearly discernible as the present gates and that he would know that a train was approaching the crossing when the flashing-light signals were operating as well as when the gates were down. This witness also testified that 24 years ago the crossing was unprotected and that after the occurrence of a fatal accident the present manual protection was placed at the crossing. It was his opinion that because of the adoption of this portion of Locust Street as a spur route of the state highway system there will be an increase in traffic over the crossing.

From the record it appears that the crossing involved in this proceeding is not used extensively either by highway or by railroad traffic. The record indicates that adequate views of the proposed flashing-light signals can be obtained to properly warn users of Locust Street of the approach of trains on the main track and that any movements made on the siding tracks over the crossing will be protected by trainmen. In addition, the proposed installation of flashing-light signals will assure 24-hour protection of the crossing in lieu of the 16-hour protection presently provided. Therefore, we shall permit the applicant to change its protection at this location from 16-hour gate and watchman protection to continuous protection by flashing-light signals.

Upon full consideration of the matters and things involved, we find and determine that the installation of flashing-light signals operating 24 hours daily in lieu of the present 16-hour protection at the crossing at grade of tracks of The Delaware, Lackawanna and Western Railroad Company across Locust Street (State Highway Route No. 4, Spur) in Town of Bloomsburg, Columbia County, is not adverse to the public interest; **THEREFORE,**

NOW, to wit, November 24, 1941, IT IS ORDERED:

1. That the application be and is hereby approved.

2. That The Delaware, Lackawanna and Western Railroad Company, within 30 days of service hereof, submit for Commission approval detailed circuit and location plans for the proposed flashing-light signal installation.

3. That The Delaware, Lackawanna and Western Railroad Company install and thereafter maintain standard automatically operated flashing-light signals at the crossing.

4. That, after the installation and proper operation of the flashing-light signals in lieu of gates and watchmen, The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, remove the gates, gate mechanism, watchman's cabin and other unnecessary structures from the crossing.

5. That all engine or train movements on the siding tracks over the crossing be protected by a member of the train crew, equipped with a red flag for use in daylight and a red and white light for use at night; said employee to be stationed at the crossing prior to the movement of any engine or car thereover and to remain at the crossing during the entire period any part of the crossing is occupied by an engine or train.

6. That all work herein ordered be completed in a manner satisfactory to this Commission on or before April 30, 1942.

GENERAL ORDER NO. 66

Rules and regulations for the erection of facilities by public utilities in the vicinity of airports.

No appearances.

BY THE COMMISSION, *November 25, 1941:*

Under the provisions of Sections 401 and 901 of the Pennsylvania Public Utility Law of May 28, 1937, P. L. 1053, and its amendments, the Commission may make such regulations as may be necessary and proper governing the service and facilities of public utilities. By virtue of and pursuant to that authority, the Commission, after investigation, is of the opinion that it is necessary and proper for the