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Pennsylvania Public Utility Commission

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1944

APPLICATION OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 60821

Railroad—Abolition and Relocation of Grade Crossings.

The Commission authorized the abolition of a crossing at grade and the construction in lieu thereof of a crossing at grade where the extension of mining operations necessitated the relocation.

G. W. Morgan for D. L. & W. Railroad Co.

Thomas C. Evans for Department of Highways.

BY THE COMMISSION, *June 16, 1942:*

State Highway Route No. 48038 extends in a general northerly direction from a junction with State Highway Route No. 48035 in Plainfield Township, through Plainfield Township, a distance of about 3.35 miles to the Borough of Pen Argyl, all in Northampton County. At a point in Plainfield Township about 550 feet south of the Pen Argyl Borough line, State Highway Route No. 48038 crosses at grade the single track of the Pen Argyl Branch of The Delaware, Lackawanna and Western Railroad Company, and at a point about 775 feet south of the aforementioned borough line the highway crosses at grade two tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company.

The extension of slate mining operations of Parsons Brothers Slate Company, located in Plainfield Township, Northampton County, will necessitate the relocation of a portion of the single track of the Pen Argyl Branch of the railroad company. In addition to the relocation of the track of the Pen Argyl Branch, the proposed enlargement of the company's slate mining operations will also necessitate the relocation of a portion of State Highway Route No. 48038. The relocation of the highway will involve the abolition of a crossing at grade and

the construction in lieu thereof of a crossing at grade, at a point where State Highway Route No. 48038, as relocated, will cross the main tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company. In the instant application The Delaware, Lackawanna and Western Railroad Company seeks our approval of the abolition of the crossing at grade at a point in Plainfield Township, Northampton County, where the single track of its Pen Argyl Branch crosses State Highway Route No. 48038.

At the hearing held April 1, 1942, in that proceeding, counsel for the railroad company requested that the railroad company be permitted to amend its application so as to include the abolition of the crossing at grade, and the construction in lieu thereof of the crossing at grade, at a point in Plainfield Township, Northampton County, where State Highway Route No. 48038, as relocated, will cross the tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company.

State Highway Route No. 48038 in the vicinity of the involved crossings is paved with bituminous macadam for a width of 16 feet. The crossings are presently protected by cross-buck railroad crossing warning signs. The record shows that an average of 421 passenger cars and 78 trucks, making a total of 499 vehicles, are operated over the crossings daily. There are from two to four train movements daily across the highway on the single track of the Pen Argyl Branch. These trains are operated at a speed varying from 5 to 10 miles per hour. An estimate showing the daily number, character and speed of train movements on the tracks of the Portland and Bangor Division across the highway was not submitted.

A plan prepared by The Delaware, Lackawanna and Western Railroad Company and attached to the original application provides for the abolition of the crossing at grade, where State Highway Route No. 48038 crosses the single track of the Pen Argyl Branch by the relocation of approximately 850 feet of branch line, beginning at a point in the branch line about 410 feet north of the crossing of the branch line and the highway and extending in a general southeasterly direction to a point of connection with the tracks of the Portland and Bangor Division about 430 feet east of the crossing of those tracks and the highway.

A plan prepared by the Department of Highways and submitted of record at the hearing held April 1, 1942, as Department of Highway's Exhibit No. 1, provides for the relocation of State Highway Route No. 48038 from a point in the existing state highway at or

about State Highway Survey Station 129+47, extending thence in a northerly direction to a junction with a township road at or about State Highway Survey Station 158+00, extending thence in a westerly direction following along the existing township road to a point in the township road at or about State Highway Survey Station 168+50, extending thence in a northerly direction, crossing at grade two tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company to a point in the existing state highway at or about State Highway Survey Station 179+00. The plan shows that the highway will be graded for a width of 28 feet and paved with a 12-inch slate base course, 18 feet 8 inches in width and a 2-inch bituminous surface course 18 feet in width. No change is proposed in the alignment of the grade of the railroad tracks at the site of the new crossing.

The portion of the proposed highway improvement approximately 1,050 feet in length and extending between State Highway Survey stations 168+50 and 179+00 constitutes the crossing improvement and is the portion over which this Commission has jurisdiction.

The estimated cost of the abolition of the crossing at grade, where State Highway Route No. 48038 crosses the single track of the Pen Argyl Branch, including the removal of the track and the replacing of the highway paving, amounts to \$100.

The estimated cost of relocating State Highway Route No. 48038 between State Highway Survey Stations 168+50 and 179+00, including the cost of the abolition of the existing crossing where the highway as formerly located crosses the tracks of the Portland and Bangor Division and the construction of the crossing, at grade, where the highway, as relocated, crosses the aforementioned tracks, amounts to \$4,400 and is made up of the following principal items:

Highway work:

Grading	\$1,100	
Drainage	200	
Surface	700	
Base	1,500	
Crossing pave	470	
Std. ref. type advance signs	30	
Contingencies, 10 per cent	400	
		\$4,400

Railroad work:

Relocate cross-buck signs		20
		\$4,420

Total

The relocation of the highway, as proposed, involves the appropriation of several parcels of property, damages for which have been released by the property owner by agreement with the Department of Highways. A copy of the agreement was submitted of record, as Department of Highways' Exhibit No. 4, at the hearing. Descriptions of the parcels to be appropriated were prepared by the Department of Highways and submitted of record at the hearing as Department of Highway's Exhibit No. 3.

A witness for The Delaware, Lackawanna and Western Railroad Company testified that the railroad company agrees to furnish all materials and to do all work necessary to remove its rails, ties and other track facilities and to restore the highway paving at the crossing at grade, where the single track of the Pen Argyl Branch crosses State Highway Route No. 48038. The railroad company is also willing to relocate the present cross-buck railroad crossing warning signs to the new crossing at grade, and will maintain the crossing paving at the new crossing at grade.

A witness for the Department of Highways testified that the department agrees to furnish all materials and to do all work necessary to construct and to maintain the highway approaches to the proposed new crossing at grade; to install adequate facilities to effect proper drainage of the highway at the proposed crossing and to erect advance railroad crossing warning signs at a proper location along the highway on each side of the proposed crossing. The improvement as proposed requires the relocation of certain facilities of Blue Mountain Telephone and Telegraph Company.

The record shows that the Commissioners of Northampton County and the Supervisors of Plainfield Township are in accord with the proposed improvement.

The matters and things involved having been fully considered, we find and determine that the abolition of the crossing at grade, at a point in Plainfield Township, Northampton County, about 550 feet south of the boundary line between Plainfield Township and the Borough of Pen Argyl where State Highway Route No. 48038, as formerly located, crosses the single track of the Pen Argyl Branch of The Delaware, Lackawanna and Western Railroad Company; the abolition of a crossing at grade, at a point in Plainfield township, Northampton County, about 775 feet south of the boundary line between Plainfield Township and the Borough of Pen Argyl, where State Highway Route No. 48038, as formerly located, crosses the two tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company and the construction in lieu

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thereof of a crossing at grade, at a point in the aforementioned township about 190 feet east of the existing crossing at grade, where State Highway Route No. 48038, as relocated, crosses two tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company in accordance with the plan submitted at the hearing held April 1, 1942, as Department of Highways' Exhibit No. 1, is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

NOW, to wit, June 16, 1942, IT IS ORDERED:

1. That the instant application as amended at the hearing held April 1, 1942, be and is hereby approved.

2. That the crossing at grade, at a point in Plainfield Township, Northampton County, about 550 feet south of the boundary line between Plainfield Township and the Borough of Pen Argyl where State Highway Route No. 48038, as formerly located, crosses the single track of the Pen Argyl Branch of The Delaware, Lackawanna and Western Railroad Company, be abolished in accordance with the plan prepared by The Delaware, Lackawanna and Western Railroad Company and attached to the application; that the crossing at grade, at a point in Plainfield Township, Northampton County, about 775 feet south of the boundary line between Plainfield Township and the Borough of Pen Argyl, where State Highway Route No. 48038, as formerly located, crosses the two tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company, be abolished; and that a crossing at grade, at a point in the aforementioned township about 190 feet east of the aforementioned crossing where State Highway Route No. 48038, as relocated, crosses at grade two tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company, be constructed in accordance with the general plan submitted at the hearing held April 1, 1942, as Department of Highways' Exhibit No. 1, which said plan is attached hereto, made part hereof and is hereby approved, except in so far as it may relate to the division of work and to the allocation of costs incident to the construction of the improvement herein ordered constructed.

3. That the following highway be and is hereby laid out and established, to wit:

A road or highway approximately 1,050 feet long beginning at a point in an existing township road in Plainfield Township, Northampton County, at or about State Highway Survey Station 168+50, extending thence in a general northerly direction to a point in the center line of State Highway Route

No. 48038 at or about State Highway Survey Station 179+00; alignment, width and grade to be as shown on the approved plan.

4. That the following described properties, together with all the buildings and structures or parts thereof of any description or use whatsoever erected or located thereon, be and are hereby severally taken and appropriated for the purposes of this improvement between State Highway Survey Station 168+50 and State Highway Survey Station 179+00 in accordance with the approved plan.

1. Messrs. Harold L. Loyd and James R. McLaren, record owners, 859 Union Street, Brooklyn, New York.

ALL THOSE CERTAIN tracts of land required for the purpose of the improvement, as shown on the plan, situated in Plainfield Township, Northampton County, Pennsylvania, bounded and described as follows, to wit:

(All land descriptions herein omitted.)

2. The Delaware, Lackawanna and Western Railroad Company, record owner, 140 Cedar Street, New York City.

ALL THOSE CERTAIN tracts of land required for the purpose of the improvement, as shown on the plan, situated in Plainfield Township, Northampton County, Pennsylvania, bounded and described as follows, to wit:

5. That The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, furnish all materials and do all work necessary to remove the rails, ties and other track materials at the crossing at grade, herein ordered abolished, at a point in Plainfield Township, Northampton County, where the single track of the Pen Argyl Branch of the railroad company crosses State Highway Route No. 48038.

6. That the Department of Highways, at its sole cost and expense, furnish all materials and do all work necessary to construct and thereafter maintain the highway approaches to the crossing at grade, herein ordered constructed.

7. That the Department of Highways, at its sole cost and expense, furnish all materials and do all work necessary to pave the crossing at grade, herein ordered constructed, where State Highway Route No. 48038, as relocated, crosses two tracks of the Portland and Bangor Division of The Delaware, Lackawanna and Western Railroad Company, with bituminous concrete or other suitable material solid be-

tween the rails, between the tracks and for a distance of at least 24 inches outside of each outside rail and for a width of roadway of at least 28 feet measured radially to the center line of the highway at the crossing.

8. That the Department of Highways, at its sole cost and expense, furnish all materials and do all work necessary to install adequate facilities to effect proper drainage of the highway at the new crossing at grade, herein ordered constructed.

9. That The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, furnish all materials and do all work necessary to install and thereafter maintain a standard reflector-type cross-buck railroad crossing warning sign at a proper location along the highway on each side of the crossing at grade, herein ordered constructed. In event reflector-type signs cannot be purchased, a standard cross-buck railroad crossing warning sign may be temporarily substituted, provided the use of a standard sign is hereby approved only for such a period of time as reflector-type signs are not available for purchase.

10. That the Department of Highways, at its sole cost and expense, furnish all materials and do all work necessary to install and thereafter maintain a standard reflector-type advance railroad crossing warning sign at a proper location along the highway on each side of the new crossing at grade, herein ordered constructed.

11. That any relocation of, changes in or removal of any adjacent structures, equipment or other facilities of any public utility other than The Delaware, Lackawanna and Western Railroad Company located within the limits of any highway, which may be required as incidental to the execution of the improvement, herein ordered, be made by said public utility, at its sole cost and expense, and in such a manner as will not interfere with the construction of the improvement.

12. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility other than The Delaware, Lackawanna and Western Railroad Company, located beyond the limits of any highway, which may be required as incidental to the execution of the improvement, herein ordered, be made by said public utility in such a manner as will not interfere with the construction of the improvement.

13. That the Department of Highways furnish all materials and do all work necessary to complete the remainder of the improvement

in accordance with the approved plans, including the establishment and maintenance of any detour necessary for highway traffic during the construction of the improvement.

14. That all work necessary to complete the improvement, herein ordered, be done in a manner satisfactory to this Commission and be fully completed on or before June 1, 1943.

15. That The Delaware, Lackawanna and Western Railroad Company pay any money to which it may be entitled as compensation for damages for any of its property taken, injured or destroyed by reason of the abolition of the existing crossings at grade, and the construction of the new crossing at grade, in accordance with this order.

16. That the Department of Highways pay all compensation for damages, if any, due to the owners, exclusive of The Delaware, Lackawanna and Western Railroad Company for property taken, injured or destroyed by reason of the abolition of the existing crossings at grade, and the construction of the new crossing at grade, in accordance with this order.

17. That, upon completion of the improvement herein ordered and its opening to public use, that portion of State Highway Route No. 48038, as formerly located, beginning at or about State Highway Survey Station 179+00 and extending in a general southerly direction a distance of about 800 feet to the southerly right of way line of the Bangor and Portland Division of The Delaware, Lackawanna and Western Railroad Company, be and is hereby vacated and closed to public use.

18. That, upon completion of the improvement herein ordered, and its opening to public use, the Department of Highways, at its sole cost and expense, construct and thereafter maintain such barricades as are necessary to effectively barricade against public travel the crossings herein ordered abolished.

19. That, upon completion of the improvement, herein ordered, and its opening to public use, The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, furnish all materials and do all work necessary to maintain the crossing paving at the crossing at grade, herein ordered constructed, in a smooth, passable condition.

20. That, upon completion of the improvement, herein ordered, and its opening to public use, the Department of Highways, at its sole cost and expense, furnish all materials and do all work necessary to maintain the remainder of the improvement.