

DECISIONS OF

Pennsylvania Public Utility

Commission

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at their sole cost and expense, furnish all materials and do all work necessary to maintain the barricades erected in accordance with this order.

APPLICATION OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 63494

Crossing Protection—Gates (manual and automatic)—Railroads.

A railroad company's plan for installation of automatically operated crossing gates, flashing light signals and pedestrian warning bells in lieu of present manually operated crossing gates at a highway and railroad intersection was disapproved where the evidence showed that the present protection was in operation continuously, provided more effective protection of pedestrian traffic and the advantages thereof would not be fully compensated by the advantages inherent in the proposed automatic gates and flashing light signals.

Gomer W. Morgan for Applicant.

Albert L. Anselmi for Wyoming Borough.

Anthony W. Wallace for West Wyoming Borough.

BY THE COMMISSION, *February 12, 1945:*

Tracks of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company extend in an easterly direction and cross at grade Eighth Street which is located in the contiguous boroughs of Wyoming and West Wyoming, Luzerne County. The line of railroad is located on the borough line and the crossing, therefore, is partially located in each borough. The crossing is presently protected by gates operated for 24 hours each day by watchmen located in an elevated tower adjacent to the crossing. In the instant application the railroad company proposes to install automatically operated crossing gates, flashing light signals and pedestrian warning bells in lieu of the present manually operated crossing gates.

At the hearing held in Wilkes-Barre on September 21, 1944, the following facts were developed:

Eighth Street crosses two main line tracks and a siding track of the railroad approximately at an angle of 90 degrees. On the north

side of the main tracks a driveway leading from the Wyoming station enters Eighth Street within the crossing area between the main tracks and the siding track. There are four industrial sidings in the immediate vicinity of the crossing.

Applicant's Exhibit No. 3 is a count of traffic made at the crossing during the period from noon August 21, 1944, to noon, August 22, 1944. The count shows that the crossing was used by 3,315 vehicles, 778 pedestrians, two passenger trains, 14 freight trains, 28 switching movements and 11 motor cars, and is representative of the daily use made of the crossing.

At the present time the crossing is protected by four gates protecting the main tracks and siding track across Eighth Street and by one gate arm protecting the driveway leading to the Wyoming station building. The main gate arms extend across the sidewalks on Eighth Street. The applicant proposes to install an automatically operated crossing gate across the right-hand lane of approach on Eighth Street, on each side of the crossing and one across the driveway. With the gates, flashing light signals will be installed, and on the assemblies on Eighth Street pedestrian gate arms will also be placed.

A witness testified that the advantages of the automatically operated gates and flashing light signals were that they were not subject to man failure and that at times of poor visibility the flashing light signals and the lamps on the proposed gates would be more visible than the lamps on the manually operated gates in addition to the audible indication provided by the bells.

Counsel for the applicant stated for the record that no property damage or personal injury accidents involving contact between engine or trains and motor vehicles or pedestrians had occurred at this crossing during the past five years. We take notice that our record of grade crossings discloses the occurrence of but one accident at this location since the present protection was placed in service in 1930.

The application was protested by the boroughs of Wyoming and West Wyoming. Counsel for the protestants stated that it was their opinion that the present protection is satisfactory and that the proposed devices would create more hazard.

The Chairman of Wyoming Borough Council testified that he had been authorized to file a protest against the elimination of the present protection. He stated that his protest was based partially on the use made of the crossing by pedestrians since the plans showed that but one side of the crossing would be protected by pedestrian gate arms under the proposed system.

The Chief of Police of West Wyoming Borough testified that he estimated the daily use made of the crossing to be 3,700 vehicles, basing the estimate on a count which he made at the crossing during a 12-hour period on September 18, 1944. It was his opinion that with the present system, better control of traffic could be effected at the time switching movements were being made in the vicinity of the crossing. He further testified that this was particularly important at this location because of the fact that the fire equipment of both boroughs used Eighth Street and the crossing in answering alarms in the respective boroughs.

The record in this proceeding, particularly the testimony with respect to the non-occurrence of accidents, is prima facie evidence that the present protection is effective in preventing accidents at this location and since that protection is presently in operation continuously, no added period of protection would be afforded by the proposed change. It further appears that more effective protection of pedestrian traffic is provided by the present method and we are of the opinion that advantages which are involved in the manual operation of gates at this location would not be fully compensated by advantages inherent in the proposed automatic gates and flashing signals.

Upon full consideration of the matters and things involved, we find and determine that the proposed alteration of the type of protection presently in effect at the crossing at grade of tracks of The Delaware, Lackawanna and Western Railroad Company across Eighth Street in the boroughs of Wyoming and West Wyoming, Luzerne County, is not in the interest of public safety and that approval of the instant application should be denied; **THEREFORE,**

NOW, to wit, February 12, 1945, IT IS ORDERED: That approval of the instant application be and is hereby denied.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

v.

LEWISTOWN TRANSPORTATION COMPANY

COMPLAINT DOCKET No. 13961

Rates—Valuation—Railroad Sidings (cost of)—War Emergency.

The cost of a railroad siding not presently used in public service because of gasoline restrictions imposed during the war emergency should be included in