

DECISIONS OF

**Pennsylvania Public Utility**

**Commission**

---

**VOLUME 25**



HARRISBURG, PENNSYLVANIA

1947

that applicant and protestants were in agreement and that the protestant consumers withdraw their objections to the discontinuance of service to their residences. This stipulation was filed with the Commission on April 9, 1946.

A witness for applicant testified that the Latches Lane extension (now proposed for abandonment) has been operated at a loss during the last five heating seasons and submitted for the record date showing that the revenue from this extension from the 1940-1941 to the 1944-1945 heating season, inclusive, was \$5,755.03 against a direct cost for maintenance and operation of \$16,928.62, or a net loss of \$11,173.59.

An analysis of applicant's estimated income for the 1945-1946 heating season indicates that a saving of \$6,220.50 will result from the proposed abandonment of service to the three customers involved and that applicant's overall net estimated loss for the entire season will be reduced from \$28,865.83 to \$22,645.33.

We are of the opinion that continuation of service to the Latches Lane customers would result in additional financial hardship for applicant and would probably cause abandonment of service throughout its entire system.

In view of the foregoing, we are of the opinion that approval of the application is necessary or proper for the service, accommodation, convenience and safety of the public; **THEREFORE,**

**IT IS ORDERED:** That the instant application be and is hereby approved.

---

APPLICATION OF THE DELAWARE, LACKAWANNA AND  
WESTERN RAILROAD COMPANY

---

APPLICATION DOCKET No. 63682

---

*Crossings—Safety—Railroads — Flashing-Light Signals — Watchman Service—  
Service (discontinuance of).*

While approving the installation of standard automatically operated flashing-light warning signals at a railroad crossing and the discontinuance of watchman service at the crossing during certain periods of time, the Commission directed the railroad to provide supplemental watchman service during certain hours on school days for the protection of juvenile pedestrian traffic.



*Gomer W. Morgan* for Applicant.

*Thomas M. Lewis* for Plymouth Borough.

*John R. Verbalis* for Plymouth Borough 8th Ward Citizens.

---

BY THE COMMISSION, *May 27, 1946:*

This matter is before us upon application of The Delaware, Lackawanna and Western Railroad Company for approval of the substitution of automatic flashing-light crossing warning signals for the presently existing 16-hour daily watchman protection at the crossing at grade, at a point in the Borough of Plymouth, Luzerne County, where a borough street, known as Flat Road, crosses the two main line tracks of the Bloomsburg Division of The Delaware, Lackawanna and Western Railroad Company.

The residential section of the Eighth Ward of Plymouth Borough is located in that portion of the borough which is bounded on the north by the tracks of The Delaware, Lackawanna and Western Railroad Company and on the south by the Susquehanna River. The population of this portion of Plymouth Borough consists of 253 adults and 91 children or a total of 344 persons. The main or central portion of Plymouth Borough, wherein are located the schools, churches and shopping centers, is situated on the northerly side of the tracks. The principal means of public access between the two sections of the borough is afforded by an improved borough street called Flat Road, which extends in a general north and south direction through the borough and crosses at grade the tracks and right of way of the railroad company at a point in the Eighth Ward.

Flat Road, in the vicinity of the crossing, is paved with concrete for a width of about 18 feet and the crossing area is paved with bituminous material. The crossing is presently protected by a watchman stationed at the crossing between the hours of 6:10 A. M. and 10:10 P. M., daily. Crossing warning signs are installed along the highway on each side of the crossing.

The two tracks of The Delaware, Lackawanna and Western Railroad Company at the crossing are a part of its Bloomsburg Division and are primarily used for freight train movements. The turnout to a branch of the railroad company serving the Nottingham Breaker is located about 600 feet northwest of the crossing and the Hanover yards of the railroad company begin at a point about 1,325 feet to the southeast. Service to the Nottingham Breaker usually consists of



one shifting movement daily, either at 2 A. M. or 1 P. M. The Hanover yard is a storage yard used for holding empty cars until delivered to the mines and for the assembly of coal trains for movement to the classification yard of the railroad company near Scranton.

A traffic count taken by applicant for the 24-hour period between 12 o'clock noon on Tuesday, September 26, 1944, and 12 o'clock noon on Wednesday, September 27, 1944, and submitted of record as applicant's Exhibit No. 2 at the hearing held October 2, 1944, in this proceeding, shows that train movements across the highway at the crossing consisted of 21 freight trains, 2 passenger trains, 4 shifting movements and 9 railroad motor cars, and that during the same period of time highway traffic which passed over the crossing consisted of 128 passenger automobiles, 126 trucks, 24 bicycles and 701 pedestrians. A further traffic count taken by protestants on Wednesday, October 18, 1944, and submitted of record as protestant's Exhibit No. 1, at the hearing held December 12, 1944, in this proceeding, agrees substantially with the traffic count taken by applicant, except with respect to the volume of highway truck traffic which shows an increase and which is attributed to the opening of a stripping operation in the vicinity of the crossing. At present eastbound trains are restricted in the vicinity of the crossing to a maximum speed of 35 miles per hour and westbound trains to a maximum speed of 60 miles per hour. In event the instant application is approved, the railroad company proposes to change these restrictions to a maximum timetable speed of 35 miles per hour for trains in each direction. The plan of the proposed signal installation introduced of record as applicant's Exhibit No. 4 at the hearing held July 17, 1945, in this proceeding, shows that the railroad company proposes to place the flashing-light signal engaging points so that trains moving with the current of traffic and at maximum speed will cause the flashing-light signals to begin operation 25 seconds before the movement reaches the crossing. The track circuits are also designed so that a movement against the current of traffic at the maximum speed of 20 miles per hour will also provide a 25-second warning period at the crossing. In addition, it is proposed to install manual controls at the crossing and at the Hanover yard office so that the flashing-light signal operation can be stopped or prevented if a shifting or drill movement approaches but does not enter the crossing or if it is necessary to break a train at the crossing and allow the cars to remain within the track circuit areas. Cancellation of flashing-light signal operation for a train standing on one track would not prevent operation of the signals by a train approaching the other track.



A witness representing the citizens of the Eighth Ward of Plymouth Borough testified that the present watchman protection was adequate; that the children residing in the Eighth Ward are not disciplined and cannot be educated to obey flashing-light warning signals and that the physical presence of a watchman prevents children from attempting to crawl through trains stopped on the crossing. The witness stated that from his own experience he had observed the watchman forcibly prevent children from going under or through trains that were blocking the crossing. Four other residents of the Eighth Ward of Plymouth Borough submitted similar testimony.

A witness for the Borough of Plymouth testified that the Flat Road crossing is very often blocked by freight trains; that it had been necessary on at least one occasion to request the conductor of the train to break the train to permit passage of school children; that children were very often late for school because of the crossing being blocked; and that children in his opinion would normally disregard traffic signals but obey policemen or persons directing traffic. Two additional witnesses for the Borough of Plymouth testified in a similar manner.

The traffic counts submitted by both applicant and protestants were prepared at times when the public schools were in session. A study of these traffic counts indicates that pedestrian use at the crossing reaches peaks immediately before school, at the noon recess and immediately after school. Protestants' traffic count tends to show that on a certain day, persons under 16 years of age made up 82% of the pedestrian traffic using the crossing between the hours of 8 A. M. and 9 A. M. and between the hours of 12 o'clock noon and 1 P. M. and 46% of the pedestrian traffic between the hours of 3 P. M. and 5 P. M. Flashing-light crossing warning signals, as proposed by the railroad company, furnish adequate and satisfactory protection at highway grade crossings in many instances. However, we are of the opinion that flashing-light signals in themselves will not furnish adequate protection for the largely juvenile pedestrian traffic over this crossing during certain periods. We will, therefore, provide in our order for the installation of flashing-light signals and for the provision of a crossing watchman to be on duty between the hours of 7:30 A. M. and 4:30 P. M. on those days of the year when the public schools of the Borough of Plymouth are in session.

Upon full consideration of the matters and things involved, we find and determine that maintenance of protection by standard automatically operated flashing-light signals supplemented by watchman service during designated periods at the crossing at grade, of the two main



tracks of The Delaware, Lackawanna and Western Railroad Company across Flat Road in the Borough of Plymouth, Luzerne County, in lieu of the present 16-hour watchman protection, is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved in so far as it relates to the installation of standard automatically operated flashing-light signals at the crossing and the discontinuance of watchman service during certain periods of time at the crossing.

2. That standard automatically operated flashing-light signals be installed and thereafter maintained by The Delaware, Lackawanna and Western Railroad Company at the crossing at grade of its tracks across Flat Road in the Borough of Plymouth, Luzerne County, in accordance with applicant's Exhibit No. 4 submitted of record at the hearing held July 17, 1945, in this proceeding.

3. That after the flashing-light signals have been installed and placed in operation at the crossing, manual protection by watchman may be discontinued, except as hereinafter provided.

4. That supplemental watchman service be provided at the crossing between the hours of 7:30 A. M. and 4:30 P. M. on days on which the public schools of the Borough of Plymouth are in session.

5. That all work herein ordered be performed by and at the sole cost and expense of The Delaware, Lackawanna and Western Railroad Company.

6. 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 November 1, 1946, and that on or before said date applicant certify to this Commission the date of actual completion of the work.

---

DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH  
OF PENNSYLVANIA

v.

THE PENNSYLVANIA RAILROAD COMPANY, ET AL.

---

COMPLAINT DOCKET No. 13491

---

*Crossings—Recording of Order, Plans, etc.—Costs—Eminent Domain.*

Real Property appropriated for crossings under Section 409 of the Public Utility Law must be accurately described by metes and bounds and the record