

DECISIONS OF

Pennsylvania Public Utility

Commission

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37. 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 thereafter to maintain the remainder of the crossing improvement, including the entire substructure, superstructure and retaining wall sections of the existing bridge, and including curbs, sidewalks and parapets located thereon.

APPLICATIONS OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET NOS. 67580, 67581 AND 67582

Crossing Protection—Flashing-Light Signals—Watchmen—Manual Control of Protective Devices.

After considering the physical characteristics of certain crossings, the type and volume of vehicular and pedestrian traffic at each of the crossings, the fact that railroad movements were few in number and made at relatively slow speed, the Commission permitted the installation of flashing-light signals, bells and illuminated directional signs, supplemented by supervisory control of such protective devices between certain hours, in substitution for the existing protection by crossing watchmen.

G. W. Morgan for Applicant.

J. M. Robbins for Montour County, Borough of Danville and Danville School District.

BY THE COMMISSION, *February 18, 1947*:

These matters are before us upon applications of The Delaware, Lackawanna and Western Railroad Company for approval of the substitution of automatically operated flashing-light signals and bells for the presently existing 16-hour daily protection by watchmen at crossings at grade, at points in the Borough of Danville, Montour County, where the tracks of the Bloomsburg Branch of The Delaware, Lackawanna and Western Railroad Company cross Ferry Street (A. 67580), Church Street (A. 67582) and Railroad Street (A. 67581), respectively.

Ferry Street, Church Street and Railroad Street are parallel streets which extend in a general northeasterly or southwesterly direction

through a portion of the Borough of Danville and are crossed about at right angles by the tracks of the railroad company. Ferry Street is situated about 620 feet southeasterly from Church Street and about 1,990 feet southeasterly from Railroad Street.

Ferry Street is legally and physically opened for a width of 50 feet and the center portion thereof in the vicinity of the crossing is paved with oil bound macadam for a width of 21 feet. The crossing area is paved with bituminous material for a width of 21 feet. Paved sidewalks are provided on both sides of the highway approaches and through the crossing. The southeasterly approach is constructed on a grade of 1% descending to the crossing and the northwesterly approach is constructed on a relatively level grade. One main track and one industrial siding track extend at grade across the highway at the crossing. In addition to the regular train movements, which consist of two passenger trains and four freight trains daily, an average of two switching movements weekly are made over this crossing.

Church Street, which is crossed at grade by the single main track of the railroad company, is legally and physically open for a width of 50 feet and the center portion thereof in the vicinity of the crossing is paved with oil bound macadam for a width of 20 feet. The crossing area is paved with bituminous material for a width of 20 feet. Paved sidewalks are provided on both sides of the highway approaches and through the crossing. The southeasterly and northwesterly highway approaches are constructed on grades of 2.6% and 2%, respectively, descending to the crossing. Regular train movements across the highway, at this crossing, consist of two passenger trains and four freight trains daily. Normally, no switching movements are made over the track at the crossing.

Railroad Street, which is crossed at grade by one main track, two sidetracks and two industrial siding tracks of the railroad company, is legally and physically open for a width of 50 feet and the center portion thereof in the vicinity of the crossing is paved with oil bound macadam for a width of 25 feet. The crossing area is paved for a width of 25 feet with bituminous material. Both highway approaches are constructed on grades of about 2% descending to the crossing. In addition to the regular train movements, which consist of two passenger trains and four freight trains daily, an average of about five switching movements are made over this crossing, daily.

Each of the three crossings at grade is presently protected by a watchman between the hours of 7:00 a. m. and 11:00 p. m., daily. The Delaware, Lackawanna and Western Railroad Company pro-

poses to install standard automatically operated flashing-light signals and bells at each of the crossings, and to discontinue the present watchman protection. However, it is proposed to have a crossing watchman on duty at Church Street from 8:00 a. m. to 9:00 a. m. and at Railroad Street from 9:00 a. m. to 4:00 p. m., daily. A control panel at each of the three crossings will enable this watchman or a member of the train crew from any of the crossings to control operations of the flashing-light signals at any or all of the crossings. In addition to the flashing-light signals and crossing bells, illuminated "NO RIGHT TURN" and "NO LEFT TURN" signs will be installed adjacent to the Ferry Street and Church Street crossings, respectively, to provide additional warning for the public approaching these crossings on a street which extends parallel with and adjacent to the tracks of the railroad company.

A witness for applicant testified at the hearing that the actuation of the flashing-light signals, bells and auxiliary protective devices for normal railroad movements would be accomplished by means of track circuits in the main track of the railroad company at each of the crossings. Shifting movements, which are normally made in this area between 9:30 a. m. and 2:00 p. m. would be protected by manual operation of the flashing-light signals, bells and protective devices by the watchman. Should shifting movements be made at times other than when the watchman is on duty, the flashing light signals would be operated by a member of the train crew.

Traffic counts compiled by applicant in April, 1946, at each of the crossings, and attached to the applications, show that the highway traffic over these crossings during 24-hour periods is as follows:

<i>Street</i>	<i>Cars</i>	<i>Trucks</i>	<i>Buses</i>	<i>Bi-</i>	<i>Pedestrians</i>	
					<i>cycles</i>	<i>Adults</i>
Ferry	1,534	331	3	110	468	174
Church	892	237	3	173	567	341
Railroad	449	99	4	48	151	50

A witness for applicant testified at the hearing that the two scheduled passenger train movements over the track of the railroad company at Danville are made at 7:12 a. m. eastbound and 8:26 p. m. westbound. Two eastbound and two westbound freight movements are now made daily over this line at 6:00 a. m. and 6:30 p. m. and at 3:30 p. m. and 9:30 a. m., respectively. The movement at 9:30 a. m. is a local train that performs daily switching service in the Danville area. There is a timetable speed restriction of 20 miles per hour for railroad movements over all crossings involved in these applications.

The County of Montour, Borough of Danville, Danville School District and the Danville Chamber of Commerce protested approval of these applications. A witness for protestants testified at the hearing that the tracks of applicant divide the borough into two segments having relatively equal populations and that about one-half of the pupils in the high school must use one of these three crossings a number of times daily during the school year. The witness further stated that the existing protection at the crossings is satisfactory; that there is no public support of the change in protection proposed by the railroad company, and that the installation of flashing-light signals and bells and the illuminated directional signs would only serve to confuse the public rather than to assist them. Another witness testifying on behalf of the Board of Directors of Danville Chamber of Commerce stated that that body was opposed to approval of these applications because of the use of the crossings by school children and, that, in his opinion, the existing protection is adequate and satisfactory.

Considering the physical characteristics of the crossings, the type and volume of vehicular and pedestrian traffic at each of the crossings, and the fact that railroad movements over tracks of applicant in the Danville area are few in number and are made at a relatively slow speed, we are of the opinion that the proposed installation of flashing-light signals, bells and illuminated directional signs, supplemented by supervisory control of these protective devices by a crossing watchman between the hours of 8:00 a. m. and 4:00 p. m., daily, would furnish adequate and satisfactory safeguards for the public at each of these crossings at grade.

Although the railroad company proposes the crossing watchman to have definite assigned periods of duty at each of two crossings at grade, involved in these applications, we shall require in our order that during his hours of duty the watchman be stationed at any crossing over which switching movements are being made.

Upon full consideration of the matters and things involved, we find and determine that the substitution of automatically operated flashing-light signals and bells with manual control facilities for use during switching operations for the existing protection by crossing watchmen between the hours of 7:00 a. m. and 11:00 p. m., daily, at the crossings at grade of tracks of The Delaware, Lackawanna and Western Railroad Company over Ferry Street, Church Street and Railroad Street, respectively, in the Borough of Danville, Montour County, is necessary or proper for the service, accommodation, convenience and safety of the public; **THEREFORE,**

IT IS ORDERED:

1. That the instant applications be and are hereby severally approved.

2. That automatically operated flashing-light signals and bells with manual control facilities for use during switching operations be substituted for the existing protection by crossing watchmen between the hours of 7:00 a. m. and 11:00 p. m., daily, at the crossings at grade of tracks of The Delaware, Lackawanna and Western Railroad Company over Ferry Street, Church Street and Railroad Street, respectively, in the Borough of Danville, Montour County, in accordance with the plans attached to the applications and also submitted of record at the hearing held October 11, 1946, in this proceeding as applicant's exhibits Nos. 4, 5, 6, and 7, respectively, which said plans are hereby approved and made part hereof.

3. That The Delaware, Lackawanna and Western Railroad Company, within 60 days from date hereof, submit to this Commission for approval and to the parties of record for examination, detailed circuit plans of the flashing-light signals, bells and illuminated directional signs herein ordered installed.

4. That The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, do all work necessary to install flashing-light signals, bells and illuminated directional signs in accordance with the approved plans.

5. That The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, provide a crossing watchman between the hours of 8:00 a. m. and 4:00 p. m., daily, for supervisory control of the flashing-light signals herein ordered installed, said watchman, during his hours of duty, to be stationed at any crossing over which switching movements are being made.

6. That the flashing-light signal installations, herein ordered installed, be manually operated only at such times as switching movements are being performed or when occupancy of a track circuit by a railroad movement would cause unnecessary operation of the flashing-light signals.

7. That all work necessary to complete the improvement be completed on or before August 31, 1947, and that on or before said date applicant certify to this Commission that the flashing-light signals, bells, auxiliary protective devices and supplemental watchman pro-

tection have been placed in service and the present protection by crossing watchmen at each of the three crossings discontinued.

APPLICATIONS OF PEOPLES CAB COMPANY, INC.

APPLICATION DOCKET NO. 66404, FOLDERS 1 AND 2
SECURITIES CERTIFICATE 563

Taxicab Companies—Monopoly and Competition—Public Convenience and Necessity—Wartime Conditions.

Notwithstanding contentions by a protestant taxicab company that wartime conditions make it impossible to render adequate service in a metropolitan area, the Commission approved the incorporation of, and granted operating authority to a new taxicab company where a public need for additional taxicab service was established, and the protestant company had not taken every available, proper and prudent step to correct service inadequacies without avoidable delay.

Taxicab Companies—Adequacy of Existing Service—Wartime Scarcities and Restrictions—Public Interest.

A protestant company which fails to render adequate taxicab service because of uncontrollable wartime scarcities and restrictions should be given fair opportunity to adjust to more normal conditions before allowing a new carrier to enter the field; however, if the wartime conditions served only to aggravate already unsatisfactory conditions, or if the protestant company had not used its available facilities and resources so as to best serve the whole public, the Commission must take appropriate steps to remedy the situation in the interests of the public welfare.

Monopoly and Competition—Commission Policy—Taxicabs.

It has never been the policy of the Commission to establish a policy of non-competition in taxicab service; the developed policy is not of regulated monopoly, but of regulated competition and, the only competitive factor which the Commission is required to guard against, is the creation of destructive competition, which, if uncontrolled, may adversely affect the public.

D. I. McAllister and Mayor Sniderman for Applicant.

McNees, Wallace and Nurick by Gilbert Nurick and Dickie, Robinson and McCamey by Harold E. McCamey for Yellow Cab Company of Pittsburgh and Pittsburgh Transportation Company.

Ben Paul Jubelirer for Local 128, International Brotherhood, Teamsters, Chauffeurs, Stablemen and Helpers of America.