

DECISIONS OF

**Pennsylvania Public Utility
Commission**

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APPLICATION OF THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 74237

Crossing Protection—Warning Signals—Watchmen—Gates—Bells.

While finding that operation of automatically operated flashing light railroad crossing warning signals, short-arm gates and bells would provide a degree of safety at the crossing involved equal or superior to that presently afforded by manually operated crossing gates, the Commission commented that experience with similar installations at locations having a higher traffic density than the crossing at issue has convinced the Commission of the efficiency of this type of protection.

Crossing Protection—Watchmen—Neglect of Duty.

The actions of crossing watchmen in arranging for shelter or transportation for patrons of a railroad company should be condemned where such convenience is rendered to the patrons through a direct and deliberate neglect of the assigned duties of the watchmen.

Gomer W. Morgan for Delaware, Lackawanna and Western Railroad Company.

Frank J. Mervine for Commissioners of Monroe County and Barrett Businessmen's Association.

C. R. Bensinger for Buck Hill Falls Company.

C. D. Shull for Supervisors of Barrett Township.

BY THE COMMISSION, *December 5, 1949*:

At a point in the Village of Cresco, Barrett Township, Monroe County, two main line tracks of The Delaware, Lackawanna and Western Railroad Company are crossed at grade by State Highway Traffic Route 90. This crossing is presently protected by manually operated crossing gates and by crossing watchmen 24 hours daily. In the instant application, The Delaware, Lackawanna and Western Railroad Company seeks our approval of the installation of automatically operated flashing light railroad crossing warning signals, short-arm gates and bells at the crossing at grade, in lieu of the existing protection.

A traffic count compiled by applicant and submitted of record at the hearing held July 26, 1949 in this proceeding as applicant's Exhibit No. 3, indicates that highway traffic over this crossing during a 48-hour period in July, 1949, averaged each day 3,392 passenger automobiles, 499 trucks, 3 buses, 17 bicycles and 16 pedestrians. During this same period railroad traffic averaged 12 freight trains, 13 passenger trains and 12 light engines daily. Traffic counts compiled by protestants on July 2, 3, 4, 23 and 24, 1949 between the hours of 8 a. m. and 12 midnight, indicate that the average highway traffic during these periods totaled 5,149 vehicles. The record shows that the maximum speed of railroad movements in the vicinity of the crossing is 45 miles per hour for passenger trains and 35 miles per hour for freight trains. The record does not indicate whether there have been any accidents at this crossing during the 5-year period preceding the filing of the application.

A plan, prepared by applicant and submitted of record at the hearing as applicant's Exhibit No. 1, consists of a general location plan showing the crossing and its vicinity. This plan indicates that the highway approaches to the crossing are constructed on light to medium grades and are paved for a width of about 19 feet and that the crossing area is paved for a width of about 24 feet. The plan shows that the Cresco passenger and freight stations of The Delaware, Lackawanna and Western Railroad Company are located in the northwesterly sector of the crossing and that passenger platforms with canopies are provided in the northeasterly and southeasterly sectors. The Mountain Home Branch of the railroad company connects with the northerly or westbound main track about 425 feet westerly from the crossing, extends thence in a general northeasterly direction and crosses State Highway Traffic Route 90 at a point about 210 feet northeasterly from the involved crossing. State Highway Traffic Route 90 is joined on the east by a secondary state highway at a point 100 feet northeasterly from the crossing and is joined on the west by a township road at a point 250 feet northeasterly from the crossing. A parking area for patrons of the railroad company is provided northerly from and adjacent to the station platform which parallels the westbound main track.

A plan, prepared by applicant and submitted of record at the hearing as applicant's Exhibit No. 4, indicates that it is proposed to install standard automatically operated flashing light railroad crossing warning signals, short-arm gates and pedestrian bells in the northwesterly and southeasterly sectors of the crossing, supplemented by an auxiliary set of flashing light signals in the northwesterly sector to provide a warning of the approach of trains to vehicles leaving the parking area.

The plan indicates that the signals are to be operated by track circuits in both tracks of the railroad company and that these circuits are to be arranged so as to provide for a minimum operational period of 30 seconds for the automatic protection at the crossing prior to the arrival of a railroad movement operated at maximum permissible speed. In addition, the control circuits are to include selective timing devices so that the operational period of the automatic protection prior to the arrival of a railroad movement at the crossing will remain fairly constant even though the speed of trains should vary. Provision is also incorporated in the track circuit design for the elimination of unnecessary operation of the signals by railroad movements to and from the Mountain Home Branch of the railroad company.

Witnesses, testifying in behalf of the railroad company, stated that the present annual cost of protecting this crossing totals \$8,993.88 and that the cost of installation of the automatically operated signals, gates and bells is estimated to total \$18,350. No estimate of the annual maintenance cost of the installation was submitted of record but a witness stated that The Delaware, Lackawanna and Western Railroad Company will assume all costs incident to the installation and maintenance of the proposed protective devices.

A witness for applicant stated that the proposed protection would be more satisfactory than the existing protection because it would eliminate the possibility of failure of the human element, would be much more apparent to the operators of vehicles approaching the crossing, particularly during the hours of darkness and during periods of inclement weather, and would eliminate the possibility of a vehicle being trapped on the crossing between lowered gates.

Protests against approval of this application were received by this Commission from Sky Top Lodge, Monomonock Inn, Buck Hill Falls Company, Better Barrett Association, Commissioners of Monroe County and Supervisors of Barrett Township. Witnesses representing most of these protestants appeared and submitted testimony in support of their position at the hearing.

Testimony for protestants indicates that considerable passenger traffic is obtained by the railroad company at Cresco station during the period from July 1 to October 15; that passengers arriving at the

station must cross State Highway Traffic Route 90 in order to claim their baggage and recross the highway to obtain transportation to their destination; that the station is a collecting area for school bus patrons; and that the halting of passenger trains at the station presently results in automobile traffic being halted on the highway for distances up to one-half mile from the crossing. The witnesses stated that the crossing watchmen place the gates in a horizontal position at times when it would not otherwise be necessary to do so, in order to permit train passengers to cross and recross the highway and obtain their baggage. The protest of the Better Barrett Association, filed with the Commission prior to the hearing, stated that the watchmen, in addition to their assigned duties, assisted persons in finding taxis and sleeping accommodations and permitted use of station facilities such as the telephone, rest rooms and waiting room during the periods when the station is closed.

Protestants claim that the continuance of existing protection at the crossing is necessary and that the operation of the gates by a reasoning person is the only satisfactory method of providing adequate safeguards considering the unusual conditions present at this crossing.

Flashing light signals, individually or in combination with short-arm gates, furnish adequate and satisfactory protection at many crossings at grade. A review of the plans submitted by the railroad company and of the testimony of applicant's witness indicates that the operation of the proposed automatic protection will provide a degree of safety at this crossing equal or superior to that presently provided and will, in addition, materially decrease the periods in which the use of the crossing by highway vehicles and pedestrians will be blocked. Experience with similar installations at locations having a higher traffic density than the crossing at issue has convinced us of the efficacy of this type of protection. It will be admitted that the actions of the crossing watchmen in arranging for shelter for patrons of the railroad company awaiting the arrival of trains or other forms of transportation and arranging for transportation for these same patrons to their respective lodgings during periods when the station facilities are not open to the public is a convenience but it also appears that this convenience is obtained through a direct and deliberate neglect of the assigned duties of these watchmen.

Upon full consideration of the matters and things involved, we find and determine that the installation of automatically operated flashing light railroad crossing warning signals, short-arm gates and bells in substitution for the protection presently afforded by manually operated crossing gates 24 hours daily at the crossing at grade, at a point in the Village of Cresco, Barrett Township, Monroe County, where State Highway Traffic Route 90 is crossed by two main tracks of The Delaware, Lackawanna and Western Railroad Company, will adequately provide for the safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That automatically operated flashing light railroad crossing warning signals, short-arm gates and bells be installed in substitution for the existing protection presently afforded by manually operated crossing gates 24 hours daily at the crossing at grade, at a point in the Village of Cresco, Barrett Township, Monroe County, where State Highway Traffic Route 90 is crossed by two main line tracks of The Delaware, Lackawanna and Western Railroad Company.
3. That the plan prepared by The Delaware, Lackawanna and Western Railroad Company and submitted of record at the hearing held July 26, 1949 in this proceeding, as applicant's Exhibit No. 4, be and is hereby approved.
4. That The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to install and maintain thereafter the automatically operated flashing light railroad crossing warning signals, short-arm gates and bells in accordance with the approved plan.
5. That the flashing light signals, short-arm gates and bells be installed in a manner satisfactory to this Commission on or before December 31, 1950, and that on or before said date, applicant certify to this Commission that the flashing light signals, gates and bells have been placed in service and the present protection by manually operated gates has been discontinued.

Commissioner Conly voted in the negative.