

DECISIONS OF

# Pennsylvania Public Utility Commission

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**VOLUME 40**



HARRISBURG, PENNSYLVANIA

1963

the evidence of record, we consider a rate of return of 6.135 per cent to be not unreasonable; THEREFORE,

IT IS ORDERED: That our order of November 20, 1961 in these proceedings be and is hereby modified to the extent noted above.

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APPLICATION OF ERIE-LACKAWANNA RAILROAD  
COMPANY

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APPLICATION DOCKET No. 88990

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*Crossing Watchmen—Railroad Companies—Highway-Railroad Crossing—Public Safety—Protection by Crew Members.*

Held, the proposed substitution of protection presently afforded by crossing watchmen by a member of the train crew would not create any additional hazard on the public at a highway-railroad crossing nor constitute a reduction in the protection to be offered to the public where trains were required to stop before crossing the highway.

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*Warren, Hill, Henkelman and McMenamin* by *Cody H. Brooks* for  
Erie-Lackawanna Railroad Company.

*Daniel L. Penetar* for Borough of Dunmore.

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BY THE COMMISSION, *December 3, 1962*:

At a location in the Borough of Dunmore, Lackawanna County, one main track and four siding tracks of Erie-Lackawanna Railroad Company cross, at grade, Third Street.

In the instant proceeding, Erie-Lackawanna Railroad Company seeks Commission approval of the substitution of protection by a member of the train crew in lieu of the protection presently afforded by crossing watchmen on duty from 8 a.m. to 4 p.m. daily, except Saturdays, Sundays, and holidays, at the crossing, at grade.

A witness for applicant submitted at the hearing held May 10, 1962, as applicant's Exhibit No. 1, a plan showing the crossing involved,

the sight distances obtainable of railroad movements from certain locations on the highway, and the general characteristics of the buildings and the terrain in the vicinity of the crossing.

A witness for applicant testified that the railroad company makes approximately two through train movements over the crossing in each direction and two switching movements during the tour of duty of the crossing watchman. At times when the watchman is not on duty, between the hours of 4 p.m. and 8 a.m., there is approximately one movement made over the crossing and at such times the crossing is protected by a member of the train crew. The speed of railroad movements over the crossing during the tour of duty of the watchman is 10 miles an hour.

The annual cost of maintaining the existing watchmen at the crossing totals \$5,211.81 and no accident has occurred at the involved crossing in the five-year period preceding the filing of the instant application.

Traffic counts, compiled by applicant and submitted at the hearing as applicant's Exhibit No. 2, show the following highway and railroad traffic crossing the highway during the tour of duty of the watchman on each of four days.

	9/1/61	8/31/61	8/29/61	1/17/62
Freight .....	4	4	4	4
Switching moves .....	2	2	2	2
Adults .....	116	151	134	6
Children .....	243	198	162	50
Autos .....	4,183	3,786	3,689	2,906
Trucks .....	1,326	1,136	1,284	941
Buses .....	15	18	16	45
School buses .....	0	0	0	11
Bicycles .....	52	60	51	4

A witness for applicant testified that the proposed protection by a member of the train crew will provide better protection than that provided by a watchman since the trains will be required to stop and the railroad company can realize an annual saving in the amount of the watchman's wages, said saving being estimated currently at about \$5,200.

A witness appearing in behalf of the Borough of Dunmore testified that he is employed as a school patrolman and believes a watchman can do a better job of protecting school children than a member of the train crew.

A protesting witness, General Chairman of the Brotherhood of Railroad Maintenance of Way Employees, testified that his main objection was the loss of employment by the crossing watchman.

From a review of the record in the instant proceeding, it does not appear that the proposed substitution of protection by a member of the train crew will create any additional hardship on the traveling public at the crossing nor does it appear that the substituted protection, with the trains being required to stop before crossing the highway, is a reduction in the protection to be offered the public if the instant application is approved.

Upon full consideration of the matters and things involved, we find and determine that the substitution of protection by a member of the train crew in lieu of the protection presently afforded by part-time crossing watchmen on duty from 8 a.m. to 4 p.m. daily, except Saturdays, Sundays and holidays, at the crossing, at grade, where tracks of Erie-Lackawanna Railroad Company cross Third Street in the Borough of Dunmore, Lackawanna County, is necessary or proper to effectuate the prevention of accidents and promote the safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That the regularly assigned part-time crossing watchman protection presently afforded between the hours of 8 a.m. and 4 p.m. daily, except Saturdays, Sundays, and holidays, at the crossing, at grade, where tracks of Erie-Lackawanna Railroad Company cross Third Street in the Borough of Dunmore, Lackawanna County, be discontinued.
3. That, upon the discontinuance and removal of the existing part-time crossing watchman protection, each train or rail movement shall be halted clear of the highway and shall not proceed across the highway until a member of the train crew, equipped with a red flag during daylight hours and with a lighted lantern or lanterns capable of displaying both red and white aspects during the hours of darkness, shall have preceded on the ground, each movement of each locomotive, car, or train over the crossing and properly warned the traveling public of the approach of such locomotive, car, or train.
4. That Erie-Lackawanna Railroad Company report to this Commission the date when the change in protection has been placed in effect at the crossing in accordance with this order.