

IV ORDER OF JANUARY 10, 1972

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complaint Docket No. 18838

PENNSYLVANIA PUBLIC UTILITY COMMISSION

v.  
DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA, CITY OF  
COATESVILLE, COUNTY OF CHESTER and PENN CENTRAL TRANSPORTATION COMPANY

ORDER

BY THE COMMISSION, JANUARY 10, 1972:

By its order issued November 17, 1969, this Commission instituted an investigation on its own motion, under the provisions of the Public Utility Law, into the use and safety of the existing structure carrying State Highway Route 15122 (Graham Avenue) over and above the grade of the electrified main tracks of Penn Central Transportation Company, in the city of Coatesville, Chester County, and for the purpose of determining, inter alia, whether the prevention of accidents and the promotion of the safety of the public require changes in the type, location, use or construction of the crossing.

City of Coatesville, Penn Central Transportation Company and Department of Highways of the Commonwealth of Pennsylvania (now Department of Transportation), respondents, each filed answers. County of Chester, also a respondent, did not file answer; however, all respondents entered testimony at the hearing held September 23, 1970.

State Highway Route 15122 extends in a general northeasterly direction approximately 1.98 miles from its origin and connection with State Highway Route 142 (former U.S. Traffic Route 30) in the city of Coatesville, through Valley Township to its terminus and connection with State Highway Route 15121, in Cain Township, all in Chester County. At

a location within the city limits, the highway, known locally as Graham Avenue and situate between Fifth and Sixth avenues, crosses above the grade of the railroad company's tracks.

According to the record, the existing bridge is a simple span iron truss 75 feet in length, with the bottom chords encased in concrete, supported on stone abutments. The roadway is 16 feet 3 inches in width between timber curbs, and consists of a laminated timber floor with a bituminous wearing surface, supported by timber floor beams on 30-inch centers. The abutments are in fair condition, but the components of the superstructure are in generally poor condition. There are sidewalks five feet in width on both sides of the structure. The bridge was constructed in the year 1891 by the predecessor to Penn Central Transportation Company. Major modifications were made in the years 1913, 1937 and 1948, and the structure is presently maintained by the railroad company, being posted for five (5) tons.

The southerly approach is tangent from a tee intersection with Elm Street 200 feet south of the bridge, has a roadway 20 feet in width paved with bituminous concrete, with earth shoulders and paved sidewalks on both sides, providing a graded width of 33 feet, and is on an ascending grade of approximately 10 percent. The approach from the north is tangent with a slight curve to the left immediately ahead of the bridge, has a roadway 20 feet in width consisting of a bituminous surface course on reinforced concrete, and is on a descending grade of approximately six percent. The bridge deck itself is level, and because of the combined horizontal and vertical curvature, view distances, approaching from a northerly direction, are poor.

The average daily traffic on State Highway Route 15122 using the crossing consists of 2,000 motor vehicles, according to a witness for the department, and it is estimated that the highway traffic will increase to about 3,600 vehicles daily by the year 1990.

passenger trains daily. However, the railroad company presently operates 22 passenger train movements Monday to Friday, inclusive, operated at a maximum authorized speed of 75 miles an hour, with fewer trains operated on Saturday and Sunday. In addition, the company operates 22 freight train movements daily, at a maximum authorized speed of 50 miles an hour.

- 2 -

A witness for Department of Transportation testified at the hearing held September 23, 1970, that the bridge carrying State Highway Route 15122 is too narrow for traffic, providing a roadway of only 16 feet in width and, in addition, has a load limitation of five (5) tons. The witness testified further that the existing bridge is inadequate for the accommodation of present or future highway traffic at this location, and that the department recommends that the bridge be reconstructed, by widening and capping the existing stone masonry abutments to provide the required minimum vertical clearance over the railroad tracks, and to provide a minimum roadway width of 28 feet between curbs and sidewalks. The highway approaches should also be 28 feet in width between curbs and sidewalks and, in order to reduce the excessive grade south of the bridge, the approach should be altered by curving ninety degrees and extending it eastward to the intersection of Merchant Street and Sixth Avenue. This would reduce the approach grade from ten to eight percent.

The witness testified that the department had made a preliminary engineering study of the area, in support of the above recommendations, and a plan, admitted at the hearing as PennDOT Exhibit No. 1, consisting of two sheets, is a preliminary plan showing horizontal and vertical alignment, and a typical section of the proposed highway alteration.

In the opinion of the department the existing crossing cannot be abolished, since other crossings in the area provide substandard horizontal and vertical clearances, and are not on the state highway system.

to prepare final design drawings and cost estimates for the bridge and its highway approaches, in accordance with its Exhibit No. 1, at its initial cost and expense. However, the department contends that the cost of reconstructing the bridge should be borne by others, and agrees to assume only the cost of reconstructing the highway approaches to the crossing.

- 3 -

In cross-examination, the department's witness testified that in compliance with requests received from the city of Coatesville, studies were made and consideration was given to connecting the southerly bridge approach either directly to the northerly terminus of Fifth Avenue or turning it westward to connect with the northerly terminus of Fourth Avenue. These studies were made in addition to the proposal for connecting to Sixth Avenue, which is the proposal finally adopted by the department after full engineering consideration to feasibility, and the costs of construction and highway right of way.

A witness for Penn Central Transportation Company testified that the bridge was constructed by its predecessor company, The Pennsylvania Railroad Company, in the year 1891, and that all modifications since that time have been made by the railroad company. The witness testified that the bridge generally is in fair to poor condition, and was designed originally for 12-ton loading. It is presently posted for loads not exceeding five tons, and is not adequate for present day highway load limits.

The railroad company does not agree to bear any costs of an improvement at this location and, in the event an improvement is ordered, suggests that consideration be given to increasing the horizontal clearance on the south side, if possible, from 8 feet 11 inches, at present, to 16 feet.

A witness for the city of Coatesville testified that the present bridge is inadequate, but urges that consideration be given to a westward connection to Fifth Avenue or Fourth Avenue, rather than to the eastward

connection to Sixth Avenue, as proposed by Department of Transportation. The city's reason, according to the witness, is that traffic from the business district would not be encouraged to use the crossing because of the circuitous route from the business district east to Sixth Avenue and backtracking west to Fifth Avenue, thence to the crossing. Further, the city feels that the construction, as proposed by the department, would tend to further isolate the northeast section of the city from the more

- 4 -

integrated community. The city feels that if the crossing could be connected directly to the northern terminus of Fourth Avenue, it would provide a more direct route into the business district and would fit better into the city's traffic plan.

The witness testified further that very little local traffic uses the crossing, but that the highway principally serves Veterans Administration Hospital and provides a secondary route to and from the Coatesville By-pass. However, this traffic, as well as local traffic from the northeast section of the city, has direct access to and from the center of Coatesville without using the subject crossing, by proceeding westward on the north side of the railroad on Coates Street and crossing under the tracks, using the Fourth Avenue or Third Avenue underpasses. According to the witness, the city does not have any obligation with respect to the crossing and does not agree to bear any of the costs of improvement.

In summary, the city's witness testified that a westward oriented approach to connect with either Fourth or Fifth Avenue would be acceptable, but that the city recommends that the existing railroad-highway crossing be abolished, rather than accept the department's proposal to connect to Sixth Avenue.

In cross-examination, the witness testified that the city would assume no financial responsibility, whether or not their preference was adopted, and admitted that the city had made no studies of any of the alternate routes, but had based its preferences on the recommendations of

the community. The witness reiterated the city's position that closing the bridge altogether was preferable to the Sixth Avenue approach, as proposed by Department of Transportation.

A witness for Chester County testified that the bridge is inadequate because it is only wide enough for about one lane of traffic and is posted for a low-load limit. The county does not offer to pay any portion of the costs of any improvement, and agrees with the city of Coatesville that the existing crossing can be abolished and highway traffic rerouted.

- 5 -

A witness for Philadelphia Electric Company testified that the company has 4 KV and secondary overhead circuits along the easterly side of the subject highway in vicinity of the crossing, and also has one four-inch steel low pressure underground gas main along the easterly side of the highway, which is attached to the bridge deck between the timber wheel guard and the sidewalk. The company is unable to state what changes might be required until such time as a plan or scheme is presented; however, in the event reconstruction of the crossing is ordered, the company will request that provisions be made to accommodate six 5-inch electric ducts and one 8-inch gas main on the structure. The company requests reimbursement for the costs of all temporary or permanent relocation work required on its existing facilities.

Township of East Caln, The Bell Telephone Company of Pennsylvania and Octoraro Water Company were served notice of the hearing, but did not appear to testify or present any statement in connection with this proceeding.

We have carefully reviewed the record in this proceeding and are of the opinion that the existing bridge is grossly inadequate, in both its physical dimensions and structural capacity, to accommodate safely the class of vehicular traffic normally using the highway at this location. However, we are gravely concerned about the wisdom of authorizing reconstruction of

with the department's proposal, since such reconstruction does not meet with the approval of the city, and does not significantly improve either the horizontal or vertical highway profiles.

The city of Coatesville, in a commendable effort to improve the character of its neighborhood, would prefer that the crossing be abolished, rather than risk the possibility of further deterioration due to questionable construction. According to the city, the crossing has little effect on the flow of traffic, since there are two underpasses immediately west of the crossing at Fourth and Third avenues, one and two city blocks distant, respectively, and an underpass east of the crossing at Seventh Avenue, two city blocks distant, all of which are available for movement of highway traffic.

- 6 -

In consideration of the foregoing, together with the knowledge that school buses and trucks, weighing in excess of five tons, apparently are not being unduly inconvenienced by the restriction on the structure, because there are satisfactory alternate routes available in the immediate vicinity, it is the opinion of this Commission that any expenditure of funds either public or private, required to reconstruct the existing crossing in its present location, are neither advisable nor necessary, and that the existing crossing may be abolished, in the interest of safety, without any inconvenience to the traveling public; THEREFORE,

IT IS ORDERED:

1. That the crossing, where State Highway Route 15122 (Graham Avenue) crosses over and above the electrified tracks of Penn Central Transportation Company, in the city of Coatesville, Chester County, be and is hereby abolished.

2. That Trustees of Penn Central Transportation Company, within 15 days from the date of service of this order and at its sole cost and expense, furnish all material and do all work necessary to install and thereafter maintain permanent-type barricades at a proper location on each side of the crossing hereinabove ordered abolished.

3. That Trustees of Penn Central Transportation Company, at its sole cost and expense, furnish all material and do all work necessary to remove the superstructure of the bridge which carries State Highway Route 15122 over and above its tracks, in the city of Coatesville.

4. That Philadelphia Electric Company, at its sole cost and expense, furnish all material and do all work necessary to remove or relocate its facilities located on or adjacent to the crossing hereinabove ordered abolished.

5. That any relocation of, changes in, or removal of any adjacent structures, equipment, or other facilities of any public utility, other than Penn Central Transportation Company and Philadelphia Electric Company, located within the limits of any highway within the limits of this Commission's jurisdiction which may be required as incidental to the

- 7 -

abolition of the crossing, be made by said public utility, at its sole cost and expense, and in such manner as will not interfere with the removal of the bridge superstructure.

6. That any relocation of, changes in, or removal of any adjacent structures, equipment, or other facilities of any public utility, other than Penn Central Transportation Company, located beyond the limits of any highway within the limits of this Commission's jurisdiction, which may be required as incidental to the crossing abolition, be made by said public utility in such manner as will not interfere with the removal of the bridge superstructure.

7. That Trustees of Penn Central Transportation Company, at its sole cost and expense, in cooperation with City of Coatesville and Department of Transportation, furnish all material and do all work necessary to establish and maintain any detours that may be required to accommodate properly highway traffic during the time the railroad-highway crossing is being abolished and the bridge superstructure removed.

8. That Trustees of Penn Central Transportation Company, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the railroad-highway crossing abolition, in accordance with numbered Paragraph 1 hereinabove.

9. That all work necessary to complete the abolition of the crossing be done in a manner satisfactory to this Commission on or before December 31, 1972, and that on or before said date, Trustees of Penn Central Transportation Company report to this Commission the date of actual completion of the work.

10. That Trustees of Penn Central Transportation Company cooperate with Department of Transportation and City of Coatesville so that during the abolition of the railroad-highway crossing the movement of highway traffic will not be endangered or unnecessarily impeded.

11. That during the time the railroad-highway crossing is being abolished, Department of Transportation and City of Coatesville cooperate with Trustees of Penn Central Transportation Company and control all highway traffic movements in a safe manner.

- 8 -

12. That Trustees of Penn Central Transportation Company pay all compensation for damages, if any, due to the owners for property taken, injured or destroyed by reason of the abolition of the crossing in accordance with this order.

13. That upon completion of the abolition of the crossing, Trustees of Penn Central Transportation Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its remaining facilities at and in the vicinity of the former crossing.

14. That all of the foregoing, as it pertains to Penn Central Transportation Company, is subject to the approval of the Reorganization Court (U.S. District Court, Eastern District of Pennsylvania, Fullam, J.) if such approval is required.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

(signed) George I. Bloom

Chairman

ATTEST:

Secretary