

C-00017793

small slip

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complaint Docket No. 17793

EAST WHITELAND TOWNSHIP

v.
THE PENNSYLVANIA RAILROAD COMPANY, DEPARTMENT OF
HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA and
CHESTER COUNTY

ORDER

BY THE COMMISSION, JANUARY 27, 1964:

This matter is before us upon complaint of East Whiteland Township which alleges that the existing crossing where State Highway Route A-1023 (Traffic Route 352) crosses below the grade of five tracks of The Pennsylvania Railroad Company in East Whiteland Township, Chester County, is sufficiently wide for one-way traffic only and which requests the removal of a pedestrian walkway to provide a wider cartway.

The existing bridge superstructure carrying a cinder service road and four main tracks is a thick reinforced concrete slab bearing on stone abutments and a steel plate girder span supporting a siding track, walkway and railing also bears on the same abutments. An abandoned pedestrian underpass, which was a facility of a station closed pursuant to permission granted by the order of the Commission on January 25, 1960 in the proceeding docketed at A. 87161, is located 175 feet east of the crossing. A paved 16-foot roadway and a raised 3-foot 6-inch pedestrian walkway within the highway underpass are joined by a short vertical curve with a 10 per cent descending grade of an 18-foot wide pavement at the southerly approach to the underpass.

The average daily vehicular traffic at the site of the crossing consists of 2,500 motor vehicles.

Four main line tracks and one track of the West Chester Branch, all of The Pennsylvania Railroad Company, cross over the state

highway. There are 35 passenger and 20 freight train movements made daily over the main line tracks at speeds of 60 to 75 miles an hour for passenger trains and 50 to 60 miles an hour for freight trains. Two freight train movements are made daily, five days a week, at an authorized speed of 15 miles an hour, over the West Chester Branch track.

An engineer witness for East Whiteland Township testified at the July 19, 1963 hearing that there are no churches, schools, or any other institution located in the area which would tend to produce any amount of pedestrian traffic; that if a pedestrian used the abandoned railroad pedestrian underpass he would have to walk an additional 400 feet detouring the highway underpass; that if the pedestrian walkway were removed in the highway underpass, it would be necessary to relocate a catch basin at the south end of the crossing; and that the cost of removal of the pedestrian walkway within the highway underpass, repaving the highway, relocating the catch basin, rehabilitating, lighting, and constructing pedestrian approaches to the abandoned railroad underpass, including engineering, would be \$1,750.

The township Chief of Police testified that most accidents occur when the road surface is wet, covered with snow or ice, and that when an oncoming car is seen, brakes are applied, and the vehicles skid into each other or the bridge abutments.

Eleven copies of East Whiteland Police Department automobile accident reports were admitted covering the years of 1960, 1961, 1962, and part of 1963. These reports showed property damages varied from negligible to total wrecks, with some bodily injuries but no fatalities, and in one case the van of a truck was sheared off after striking the top of the underpass.

Another witness for the complainant testified that East Whiteland Township agrees to maintain the pedestrian underpass, if it is rehabilitated, but it will not bear any other costs; that a pedestrian on the existing walkway could be struck by a vehicle; and

that the approaches to the crossing are posted for a 35-mile an hour speed limit.

A witness for Department of Highways testified that three pedestrians walked in the roadway instead of the walkway when a spot check of pedestrian traffic was made at the crossing between the hours of 1 p.m. and 7 p.m., July 16, 1963. The department agrees that removal of the walkway and alteration of the protruding drain inlet could provide a roadway width of about 18 feet with 6-inch curbs at the abutments, but the department's witness did not agree that this would be a safe condition for highway traffic, as a greater highway width should be provided within the underpass. Moreover, pedestrians would still walk in the roadway at the crossing rather than detour and use a pedestrian tunnel. The department suggests that any work ordered by the Commission within or at the existing crossing should be done at the expense of others, although the department would agree to maintain the rehabilitated roadway between curbs.

The Pennsylvania Railroad Company does not object to removal of the walkway at the crossing and does not agree to perform any of the construction or alteration work or assume any of the costs. The railroad company states that the pedestrian tunnel was a station facility and is not a part of the crossing. The railroad company objects to use of the pedestrian crossing for highway pedestrian traffic and alleges its use would create a hazardous condition at the railroad tracks due to the proximity of the tunnel entrance to the tracks.

Upon review of the record, we are convinced that hazardous and inadequate conditions exist at the crossing where State Highway Route A-1023 (Traffic Route 352) crosses below the grade of the tracks of The Pennsylvania Railroad Company in East Whiteland Township, Chester County. We are of the opinion that widening of the highway cartway through the crossing, together with the installation of a traffic control system for the protection of pedestrians, will promote the safety of the public and effectuate the prevention of accidents at the crossing; THEREFORE,

IT IS ORDERED:

1. That the instant complaint of East Whiteland Township which alleges that the existing crossing where State Highway Route A-1023, Traffic Route 352, crosses below the tracks of The Pennsylvania Railroad Company in East Whiteland Township, Chester County, is hazardous and inadequate, be and is hereby sustained.

2. That Department of Highways, within 90 days from date of receipt of this order, submit to this Commission for its approval and to parties of record for examination, a detailed construction plan of the highway through and approaching the crossing below the grade of tracks of The Pennsylvania Railroad Company; said plan to provide for removal of the pedestrian walkway through the underpass, alteration, or relocation of the drainage system if necessary, widening and rehabilitation of the roadway within the underpass, installation of concrete curbs within the underpass and traffic lights each side of the bridge with push button control to be activated by pedestrians utilizing the crossing.

3. That, upon Commission approval of the aforementioned plan, Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to reconstruct the highway and its approaches in accordance with the approved plan.

4. That The Pennsylvania Railroad Company, at its own cost and expense, furnish all material and do all work required to post a highway clearance sign at each entrance to the underpass setting forth in large letters above the highway the actual vertical clearance and, in addition, furnish bridge or building inspectors during the time work is being done at the crossing.

5. That Township of East Whiteland, at its sole cost and expense, furnish all material and do all work necessary to install the traffic control system in accordance with the approved plan.

6. That any relocation of, changes in, abandonment, or removal of any adjacent structures, equipment, or other facilities of

any public utility, other than The Pennsylvania Railroad Company, which may be required as incidental to the execution of the improvement, be made by said public utility in such manner as will not interfere with the construction of the improvement and said relocated or changed facilities thereafter be maintained by said utility.

7. That the improvement be fully completed in a manner satisfactory to this Commission on or before July 1, 1965, and that on or before said date Department of Highways, Township of East Whiteland, and The Pennsylvania Railroad Company each report to this Commission the date of actual completion of its respective portion.

8. That The Pennsylvania Railroad Company pay any money to which it may be entitled as compensation for damages for any of its property taken, injured, or destroyed by reason of the construction of the improvement in accordance with this order.

9. That Department of Highways pay all compensation for damages, if any, due to the owners, exclusive of The Pennsylvania Railroad Company, for property taken, injured, or destroyed by reason of the construction of the improvement in accordance with this order.

10. That, upon completion of the improvement and its opening to public use, The Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its facilities and the highway clearance signs.

11. That, upon completion of the improvement and its opening to public use, East Whiteland Township, at its sole cost and expense, furnish electrical energy and do all work necessary thereafter to maintain and energize the traffic control system and its appurtenant equipment.

12. That, upon completion of the improvement and its opening to public use, Department of Highways, at its sole cost and expense,

furnish all material and do all work necessary thereafter to maintain the remainder of the improvement, including the curbs through the underpass, together with painting of the curbs and the center line of the highway, through the underpass and on its approaches.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

(signed) Joseph Sharfsin

Chairman

ATTEST:

Secretary