

Application Docket No. 71530

In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of the alteration of the crossing at grade, where State Highway Route 221 is crossed by a single track of The Pennsylvania Railroad Company in Ashville Borough, Cambria County, and the allocation of the costs and expenses incident thereto.

FOR-ORDER

MAY 24 1948

MAY 28 1948

ENTRY No. 1

BY THE COMMISSION, MAY 24, 1948:

State Highway Route 221 (Traffic Route 36) extends in a general northwesterly direction from its southern terminus at its intersection with State Highway Route 55 in the City of Altoona, Blair County, through the boroughs of Ashville, Spangler and Hastings to its northerly terminus at the intersection with State Highway Route 62 in the Borough of Mahaffey, Clearfield County. At a point in the Borough of Ashville, Cambria County, at or about State Highway Survey Station 842/91, State Highway Route 221 crosses at grade the single track of the Irvona Branch of The Pennsylvania Railroad Company.

Department of Highways of the Commonwealth of Pennsylvania proposes to widen and improve a portion of State Highway Route 221 extending through the Borough of Ashville which will require the alteration and reconstruction of the aforementioned crossing at grade, and, in the instant application, Department of Highways seeks our approval of the alteration of the crossing at grade, as proposed.

State Highway Route 221 in the vicinity of the crossing at grade is paved with brick on concrete base for a width of 26 feet between curbs and a sidewalk five feet in width extends along each side of the roadway. The crossing is paved with bituminous material for a width of 24 feet.

Traffic over the highway in the vicinity of the crossing normally amounts to 1,031 passenger cars and 225 trucks or a total of 1,256 motor vehicles daily. Train operations over the single track of the Irvona Branch of The Pennsylvania Railroad Company

at the location of the crossing consist of nine movements each day operated at speeds not in excess of 25 miles per hour. The crossing is presently protected by automatically operated flashing light crossing warning signals and reflector-type advance railroad crossing warning signs.

In this proceeding, we will assume jurisdiction over the portion of the highway improvement extending from State Highway Survey Station 842/58.94 to State Highway Survey Station 843/24.94, which points are the northerly and southerly right of way lines of the railroad company at the crossing.

A general plan showing the location of the crossing and the manner in which it is proposed to alter the crossing was prepared by Department of Highways and submitted of record at the hearing held April 2, 1948, as applicant's Exhibit No. 1. The plan shows that the highway approaches to the crossing will be widened to 32 feet between curbs and paved with a plain cement concrete base course and a 2 1/4 -inch bituminous surface course; that concrete curbs and sidewalks will be constructed along each side of the highway, and that additional drainage facilities will be installed at the crossing.

The estimated cost of performing the work within our jurisdiction totals \$7,218 and is made up of the following items:

Highway Work

Grading	\$ 800
Paving	1,600
Drainage	1,600
Curbs	342
Sidewalks	240

\$ 4,582

Railroad Work

Rehabilitating track	\$ 905
Crossing paving	604
Relocating flashing light signals	1,127
	2,636

Total \$ 7,218

A witness testifying for the Department of Highways at the hearing held April 2, 1948, stated that the department will, at its sole cost and expense, furnish all material and do all work necessary to grade and pave the highway approaches to the crossing and install the drainage facilities in accordance with the plan. The witness stated that the department will also construct the curbs and sidewalks, but that the expense of such construction will be assumed by the county.

The record shows that the Department of Highways agrees to maintain the roadway approaches to the crossing, exclusive of the curbs and sidewalks, and will maintain the drainage facilities installed at the crossing. The witness for the highway department stated that the curbs and sidewalks on the approaches should be maintained by the Borough of Ashville.

The record also shows that the Department of Highways agrees to assume 50 per cent of the cost of relocating the flashing light signals.

A witness for The Pennsylvania Railroad Company stated that the railroad company will, at its sole cost and expense, furnish all material and do all work necessary to rehabilitate its tracks at the crossing, and will pave the crossing for the full width of the highway including the sidewalk area. The railroad company also agrees to relocate the flashing light signals and will assume 50 per cent of the cost of such relocation. The railroad company will maintain the crossing paving and the flashing light signals upon completion of the improvement.

The record shows that it will be necessary to relocate the facilities of The Bell Telephone Company of Pennsylvania which are presently located within the limits of the right of way of the highway at the crossing.

It will not be necessary for this Commission to lay out and establish any new highway or to appropriate any property for the alteration of the crossing.

The matters and things involved having been fully considered, we find and determine, that the alteration of the crossing at grade, at a point in the Borough of Ashville, Cambria County, at or about State Highway Survey Station 842/91, where State Highway Route 221 crosses the single track of the Irvona Branch of The Pennsylvania Railroad Company, in accordance with the plan submitted of record at the hearing held April 2, 1948, as applicant's Exhibit No. 1, is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.

2. That the crossing at grade, at a point in the Borough of Ashville, Cambria County, at or about State Highway Survey Station 842/91, where State Highway Route 221 crosses the single track of the Irvona Branch of The Pennsylvania Railroad Company, be altered in accordance with a plan submitted of record at the hearing held April 2, 1948, as applicant's Exhibit No. 1, which said plan is attached hereto, made part hereof and is hereby approved, except in so far as it may relate to the division of work or to the allocation of the costs and expenses incidental to the alteration or maintenance of the crossing.

3. That The Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to make any renewals or replacements of its rails, ties or other track material preparatory to the paving of the crossing at grade, herein ordered altered.

4. That The Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to pave the crossing at grade, herein ordered altered, with plank or other suitable material solid between the rails and for a distance of at least 24 inches outside of each rail for a width of roadway of at least 44 feet measured at right angles to the center line of the highway, at the crossing, and that the crossing be constructed

so as to provide a smooth, solid surface between the railhead and the adjoining highway surface and with flangeways not over $2\frac{1}{2}$ inches in width.

5. That The Pennsylvania Railroad Company furnish all material and do all work necessary to relocate properly the existing automatic flashing light crossing warning signals presently located on each side of the crossing at grade, herein ordered altered.

6. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to grade and pave the highway approaches to the crossing at grade, herein ordered altered, in accordance with the approved plan.

7. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to install a standard reflector-type advance railroad crossing warning sign at a proper location along the highway on each side of the crossing at grade, herein ordered altered.

8. That Department of Highways furnish all material and do all work necessary to construct a sidewalk and curb along each side of the highway on the approaches to the crossing at grade, herein ordered altered, in accordance with the approved plan.

9. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility other than The Pennsylvania Railroad Company located within the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility at its sole cost and expense and in such a manner as will not interfere with the construction of the improvement.

10. That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility other than The Pennsylvania Railroad Company located beyond the limits of any highway, which may be required as incidental to the execution of the improvement herein ordered, be made by said public utility, in such a manner as will not interfere with the construction of the improvement.

11. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the improvement in accordance with the approved plan, including the installation of any facilities necessary to effect proper drainage of the highway at the crossing at grade, herein ordered altered, and including the establishment and maintenance of such detours as may be required to accommodate properly highway traffic during the time the crossing improvement, herein ordered, is being constructed.

12. That all work necessary to complete the improvement, herein ordered, be done in a manner satisfactory to this Commission and be fully completed on or before December 31, 1948, and that on or before said date each party, herein required to do work, certify to this Commission the date of actual completion of its respective portion.

13. 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 alteration of the crossing at grade, in accordance with this order.

14. That Cambria County pay all compensation for damages due to the owners, exclusive of The Pennsylvania Railroad Company, for property taken, injured or destroyed by reason of the alteration of the crossing at grade, in accordance with this order.

15. That Department of Highways pay The Pennsylvania Railroad Company, when and as certified by the Pennsylvania Public Utility Commission, a sum or sums of money equal to 50 per cent of the actual expense incurred by The Pennsylvania Railroad Company in relocating the automatic flashing light crossing warning signals at the crossing at grade, herein ordered altered, in accordance with this order.

16. That County of Cambria pay Department of Highways, when and as certified by the Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual cost incurred by said Department of Highways in furnishing material and doing work necessary to construct the curbs and sidewalks in accordance with this order.

17. That, upon completion of the improvement, herein ordered, 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 the automatic flashing light crossing warning signals at the crossing at grade, and to maintain at all times in a smooth and proper condition the crossing paving located between the rails and for a distance of at least 24 inches outside of each rail at the crossing at grade, herein ordered altered.

18. That, upon completion of the improvement, herein ordered, and its opening to public use, the Borough of Ashville, Cambria County, at its sole cost and expense, furnish all material and do all work necessary, to maintain the curbs and sidewalks on the highway approaches to the crossing at grade, herein ordered altered.

19. That, upon completion of the improvement, herein ordered, and its opening to public use, Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to maintain the remainder of the improvement.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

John Higgins, Jr.
Chairman

ATTEST:

A. Walter
Secretary

Commissioner Morgal being absent did not participate in the vote on this order.