

## File Unit - 002/002.01-16810.00.45



**Series Nbr:** 002.01  
**File Unit Nbr:** 16810.00.45  
**Catalog #:** STEA 7158  
**Accession #:** STEA-00033  
**Category:** CORRESPONDENCE  
**Dates:** 1939

Extent	
<b>Count</b>	[Count]1
<b>Extent</b>	[Extent]
<b>Type of Unit</b>	[Type of Unit]FOLDER

**Title:** DL&W RR--Correspondence--General Superintendent--16810: General crossing correspondence  
**Add By:** RED  
**Add Date:** 9/8/2009 5:03:22 PM  
**Change By:** RED  
**Change Date:** 9/8/2009 5:08:21 PM  
**Location:** 002/002.01-B15-065

Proc By	
<b>Processed By</b>	Pat McKnight
<b>Processing Date</b>	September 2009

**Record Id:** 50493



16810

*(Handwritten initials)*

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY  
LEGAL DEPARTMENT  
SCRANTON, PA.

DOUGLAS SWIFT

~~VICE-PRESIDENT AND GENERAL COUNSEL~~

VICE-PRESIDENT AND GENERAL COUNSEL  
NEW YORK

G. W. MORGAN  
GENERAL ATTORNEY

*GWm*  
*To note*  
*ESM 3/21*  
*Noted by JMM 3/23*

March 20, 1939.

In re: Application of Department of Highways of the Commonwealth of Pennsylvania - For approval of the alteration of a crossing at grade, at a point where State Highway Route No. 35049 is crossed by two tracks of The Delaware, Lackawanna and Western Railroad Company at or about Station 148 in Taylor Borough, Lackawanna County, and the allocation of costs and expenses incident thereto.

Mr. G. A. Phillips,  
Chief Engineer,  
Hoboken, N. J.

Dear Sir:

I am enclosing herewith Order of the Pennsylvania Public Utility Commission in the above entitled proceeding.

Very truly yours,

*G.W. Morgan*  
General Attorney.

cc: Mr. E. B. Moffatt,  
General Superintendent.

Mr. G. E. Lowe,  
Engineer of Track.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Application Docket No. 51975

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In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of the alteration of a crossing at grade, at a point where State Highway Route No. 35049 is crossed by two tracks of The Delaware, Lackawanna and Western Railroad Company at or about Station 148 in Taylor Borough, Lackawanna County, and the allocation of costs and expenses incident thereto.

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O R D E R

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BY THE COMMISSION:

The Department of Highways, by virtue of the provisions of the Act of Assembly, approved May 31, 1911, P. L. 468 and its supplements and amendments, and the Act of Assembly, approved July 22, 1931, P. L. 594, has relocated and proposes to improve portions of State Highway Route No. 35049, which extends in a general northeasterly direction from a connection with State Highway Route No. 35055 in the southerly portion of the Borough of Old Forge, through the boroughs of Old Forge and Taylor, to Scranton. At a point in the Borough of Taylor, Lackawanna County, about 3630 feet northeast of the boundary line between the boroughs of Old Forge and Taylor, the state highway crosses at grade the single track of The Delaware, Lackawanna and Western Railroad Company. Although the instant application seeks our approval of the alteration of a crossing at grade at a point where the existing state highway crosses two tracks of the railroad company at or about State Highway Survey Station 148/00, the testimony shows that the highway is crossed by one track of the railroad company.

Testimony submitted at the hearing held on July 28, 1938, establishes that State Highway Route No. 35049 sustains a large volume of traffic; that the present existing highway is an unimproved dirt road; that the existing crossing at grade is paved with earth

of the crossing is constructed on irregular alignment and grades, which are unsatisfactory and insufficient for highway purposes, and that the proposed alteration of the existing crossing at grade, and the relocation of the highway approaches thereto will effect a substantial improvement in the existing conditions affecting public safety. Regular movements across the highway at the present time consist of two trains in each direction nightly. No passenger trains are operated. The existing crossing is protected by standard cross-buck railroad crossing warning signs erected along the highway on each side of the crossing.

At the hearing, the Department of Highways submitted as applicant's Exhibit No. 1, a general plan of the proposed improvement which provides for the relocation and reconstruction of the highway upon improved grades and alignment. The plan provides for grading the highway, as relocated, to a width of 36 feet, and for paving the center 20 feet thereof with a two-inch bituminous surface on an eight-inch native stone base course. It is proposed to pave the altered crossing at grade with bituminous material to a width of 36 feet measured at right angles to the relocated highway. The proposed alteration of the crossing at grade, and the relocation and reconstruction of the approaches thereto, require no change in the grade of the track at the crossing. Testimony shows that the relocation of the highway will not require the alteration of the facilities of any public utility other than those of the railroad company.

The record shows that State Highway Route No. 35049 has been relocated by the Department of Highways, in accordance with the general plan, and that all property necessary for the improvement has been appropriated under the provisions of the Acts of Assembly of May 31, 1911, P. L. 468, and its supplements and amendments, and of July 22, 1931, P. L. 594. It will therefore not be necessary for the Commission to appropriate any private property for the improvement.

The Department of Highways has agreed, at its sole cost and expense, to construct the approaches to the altered crossing, to in-

the work to be performed by the Department of Highways was submitted of record.

The record shows that The Delaware, Lackawanna and Western Railroad Company will, at its sole cost and expense, make any necessary alteration to its track preparatory to the paving of the altered crossing, will pave said crossing, and will relocate the standard cross-buck railroad crossing warning signs at the altered crossing.

The estimated cost of paving the altered crossing at grade, exclusive of any work to be performed by the Department of Highways, and the cost of any necessary replacement or renewals of track materials in the track area at the crossing preparatory to paving the altered crossing at grade is \$70.

The matters and things involved having been fully considered, we find and determine that the alteration of the existing crossing at grade, where State Highway Route No. 35049, in its present location, crosses the single track of The Delaware, Lackawanna and Western Railroad Company, at a point in the Borough of Taylor, Lackawanna County, in accordance with the general plan submitted as applicant's Exhibit No. 1, at the hearing of July 28, 1938, is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

NOW, to wit, March 13, 1939, IT IS ORDERED: That the instant application be and is hereby approved.

IT IS FURTHER ORDERED: That the existing crossing at grade, where State Highway Route No. 35049, in its present location crosses the single track of The Delaware, Lackawanna and Western Railroad Company at a point in the Borough of Taylor, Lackawanna County, be altered in accordance with the general plan submitted as applicant's Exhibit No. 1, at the hearing of July 28, 1938, which said plan is hereby approved, attached hereto and made a part hereof.

IT IS FURTHER ORDERED: That The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, furnish all

facilities to the grade of the highway, as relocated, at the crossing herein ordered altered, and in addition, prepare its track roadbed and make any necessary renewals or replacements of its rails, ties and other track materials preparatory to paving the crossing, herein ordered altered.

IT IS FURTHER ORDERED: That The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, furnish all materials and do all work necessary to pave the crossing at grade, herein ordered altered, with bituminous 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 36 feet measured at right angles to the center line of the highway, as relocated; said altered crossing to be thereafter maintained in a smooth, passable condition, by said railroad company, at its sole cost and expense.

IT IS FURTHER ORDERED: That The Delaware, Lackawanna and Western Railroad Company, at its sole cost and expense, install and thereafter maintain a standard cross-buck railroad crossing warning sign at a proper location along the highway on each side of the crossing at grade, herein ordered altered.

IT IS FURTHER ORDERED: That the Department of Highways, at its sole cost and expense, install and thereafter maintain adequate drainage facilities to effect proper drainage of the highway at the crossing at grade, herein ordered altered.

IT IS FURTHER ORDERED: That the Department of Highways, at its sole cost and expense, install and thereafter maintain a standard advance railroad crossing warning sign at a proper location along the highway, as relocated, on each side of the crossing at grade, herein ordered altered.

IT IS FURTHER ORDERED: That the Department of Highways, at its sole cost and expense, furnish all materials and do all work necessary to complete the highway approaches to the crossing at grade, herein ordered altered, in accordance with the approved plan, said

to be thereafter maintained by the said department, at its

IT IS FURTHER ORDERED: That any relocation of, changes in, or removal of any adjacent structures, equipment or other facilities of any public utility, located within the limits of any highway which may be required as incidental to the execution of this improvement, be made by said public utility at its own expense, in such a manner as will not interfere with the construction of the improvement.

IT IS FURTHER ORDERED: That any relocation of, changes, in or removal of any adjacent structures, equipment or other facilities of any public utility, located beyond the limits of any highway, which may be required as incidental to the execution of this improvement, be made by said public utility in such a manner as will not interfere with the construction of the improvement.

IT IS FURTHER ORDERED: That The Delaware, Lackawanna and Western Railroad Company pay any money to which it may be entitled as compensation for damages to any of its property taken, injured or destroyed by reason of the improvement.

IT IS FURTHER ORDERED: That the Borough of Taylor pay all compensation for damages, if any, due to the owners, exclusive of The Delaware, Lackawanna and Western Railroad Company, for property taken, injured or destroyed by reason of the alteration of the existing crossing at grade, herein ordered altered.

IT IS FURTHER ORDERED: 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 1, 1939.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

(Signed) D. J. Driscoll

Chairman

ATTEST:

February 14, 1939

16810:  
Ind: Richardson & Boynton Co. Dover.

Mr. J. H. Lerbs:

Answering yours February 12 in connection with inquiry from Engineer of Maintenance of Way Mapes, CRRofNJ, for return of the signed agreement covering track layout.

This agreement is now with the Manager of this Company and as soon as executed, the copies will be returned to Mr. Mapes as requested.

2-h.

January 17, 1939

16810:

Mr. G. A. Phillips.

Referring to your letter January 14 and returning enclosures pertaining to certain highway crossings in Pennsylvania.

It seems to me that we, based upon Mr. Tallyn's letter, are fully meeting the request of the Bureau of Engineering, Pennsylvania Public Utility Commission and I would recommend that Mr. Berry be advised of our practices in connection with each of the crossings and of the additions referred to by Mr. Tallyn in his letter to you of January 11.

E.B. Moffatt.

ebm/k

P

Scranton, Pa., January 16, 1939

File 1059

Mr. E. B. Moffatt:

Referring to the attached.

Mr. Tallyn has covered all of the information required in the attached inquiry from the Public Utility Commission at Harrisburg.

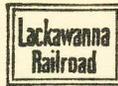
At Washington and High Streets and South Main Street at Bangor, speed is restricted to six miles per hour and crews instructed to flag crossings when crossing watchmen are not on duty.

Crossing No. 254 - Hess's crossing - is on the State Highway Route No. 166. Crossing is equipped with a bell.

All other matters covered by Mr. Tallyn are correct.

GWM

G. W. M.



THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

OFFICE OF GENERAL SUPERINTENDENT

SCRANTON, PA.

January 15, 1939

E. B. MOFFATT  
GENERAL SUPERINTENDENT

Mr. G. W. Murphy. ✓

As all of these crossings except the B&P are on Scranton Division, and with your knowledge of the situation on the B&P, I would like to have your recommendations regarding the crossings referred to by Mr. Berry, Director of Bureau of Engineering, Pennsylvania Public Utility Commission. We certainly don't want to employ additional crossing watchmen at this time.

E.B.Moffatt.

ebm/k

January 15, 1939

Mr. G. W. Murphy.

As all of these crossings except the B&P are on Scranton Division, and with your knowledge of the situation on the B&P, I would like to have your recommendations regarding the crossings referred to by Mr. Berry, Director of Bureau of Engineering, Pennsylvania Public Utility Commission. We certainly don't want to employ additional crossing watchmen at this time.

E.B.Moffatt.

ebm/k

OFFICE OF CHIEF ENGINEER

Hoboken, N. J.,  
Jan. 14, 1939

Mr. E. B. Moffatt:

I would be glad to have your views and  
recommendations before replying to the attached.

G. A. Phillips