
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. 928 **Session of**
1919.

INTRODUCED BY MR. RINN, MARCH 12, 1919.

REFERRED TO COMMITTEE ON MANUFACTURES, MARCH 17, 1919.

AN ACT

To provide for the abolition of railroad grade crossings
prescribing the procedure and imposing the costs on
the railroad companies and on the city borough town
or township

1 *Section 1 Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *the council of any city borough or incorporated town or*
5 *the commissioners or supervisors of any township within*
6 *which a highway crosses or is crossed by a railroad or*
7 *the directors of any railroad company whose road crosses*
8 *or is crossed by a highway may bring their petition in*
9 *writing to the Public Service Commission alleging that*
10 *public safety requires an alteration in such crossing its*
11 *approaches the method of crossing the location of the*
12 *highway or crossing the closing of a highway crossing*
13 *and the substitution of another therefor not at grade or*

1 the removal of obstructions to the sight at such cross-
2 ing and praying that the same may be ordered where-
3 upon the Public Service Commission shall appoint a time
4 and place for hearing the petition and shall give such
5 notice thereof to such petitioners the company the city
6 borough town or township in which such crossing is
7 situated and the owners of the land adjoining such cross-
8 ing and adjoining that part of the highway to be
9 changed in grade as it shall judge reasonable and after
10 such notice and hearing the Public Service Commission
11 shall determine what alternations or removals if any shall
12 be made and by whom made

13 Section 2 If such petition is brought by the di-
14 rectors of a railroad company or in behalf of any such
15 company the Public Service Commission shall order the
16 expense of such alterations or removals including the dam-
17 ages to any person whose land is taken and the spe-
18 cial damages which the owner of any land adjoining the
19 public highway shall sustain by reason of any such
20 change in the grade of such highway to be paid by
21 the company owning or operating the railroad in whose
22 behalf the petition is brought

23 Section 3 In case such petition is brought by the
24 council of a city borough or incorporated town or the
25 commissioners or supervisors of a township the Public
26 Service Commission may having regard to the financial
27 strength of the city borough town or township if the
28 highway affected by such determination was in existence
29 when the railroad was constructed over it at grade or if

1 the layout of the highway was changed for the benefit
2 of the railroad after the layout of the railroad order
3 an amount not exceeding twelve and one-half per centum
4 of the whole expense of such alteration or removal in-
5 cluding the damages as aforesaid to be paid by the
6 municipality in whose behalf the petition is brought and
7 the remainder of the expense shall be paid by the com-
8 pany owning or operating the road which crosses such
9 public highway

10 Section 4 If however the highway affected by such
11 last mentioned order has been constructed since the rail-
12 road which it crosses at grade the Public Service Com-
13 mission may having regard to the financial strength of
14 the city borough town or township order an amount not
15 exceeding twenty-five per centum of the whole expense of
16 such alteration or removal including the damages as afore-
17 said to be paid by the city borough town or township
18 in whose behalf the application is brought and the re-
19 mainder of the expense shall be paid by the company
20 owning or operating the road which crosses such public
21 highway

22 Section 5 The directors of every company which
23 operates a railroad in this State shall within six months
24 after this act takes effect and within the same period
25 yearly thereafter remove or apply for the removal of at
26 least one grade crossing for every thirty miles of road
27 operated by it in this State which crossings so to be
28 removed shall be those which in the opinion of said
29 directors are among the most dangerous upon the lines

1 operated by it and if the directors of any railroad
2 company fail so to do the Public Service Commission
3 shall if in its opinion the financial condition of the
4 company will warrant order such crossing or crossings re-
5 moved as in its opinion said directors should have ap-
6 plied for the removal of under the above provisions and
7 the Public Service Commission in so doing shall proceed
8 in all respects as if the said directors had voluntarily
9 applied therefor. If any portion or portions of this act
10 shall be declared unconstittuional the remainder shall not
11 be affected thereby