

**THIRD ANNUAL REPORT OF THE  
BOARD OF RAILROAD  
COMMISSIONERS FOR THE STATE  
OF NEW JERSEY FOR THE YEAR  
1909**

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**FRANK H. SOMMER & THOMAS J. HILLERY & ROBERT WILLIAMS**

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1910

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Members of the Board of Railroad Commissioners  
for the State of New Jersey.

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FRANK H. SOMMER, *President,*

THOMAS J. HILLERY,

ROBERT WILLIAMS.

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ALFRED N. BARBER, *Secretary.*

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INSPECTORS.

CHARLES D. McKELVEY,

JAMES MAYBURY, JR.,

CHARLES A. MEAD, *Engineer of Bridges,*

WILLIAM C. ENNIS, *Inspector of Equipment.*

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## REPORT.

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*Honorable J. Franklin Fort, Governor of the State of New Jersey:*

The State Board of Railroad Commissioners respectfully submits herewith its third annual report:

During the greater part of this year the Board has been able to proceed in the performance of its duties under a law materially better than that enacted in nineteen hundred and seven, which provided for the creation of a Board of Railroad Commissioners. This law was generally admitted to be defective and, as stated by former Attorney-General McCarter, in an official communication defining the powers of the Board, "left much to be desired in the way of supplement or amendment." Recommendations for changes in the law were made by the Board in its official report for the year nineteen hundred and seven, but the Legislature did not see fit to incorporate any of the Board's suggested changes into law.

The Legislature of nineteen hundred and nine, however, amended the original act and also passed a supplement to the act creating the Board, which amendment and supplement were approved upon April nineteenth and twentieth. The amendment provides for a more direct method of imposing a penalty for failure to comply with orders of the Board, strengthens the Board's power with respect to the issuance of subpoenas and the examination of witnesses, and also places a reasonable restriction upon a railroad company's right to appeal from orders of the Board, making it mandatory upon the company to file its appeal within thirty days. It is also provided that the appeal shall not act as a stay in complying with the order of the Board unless such stay is expressly granted by the court.

The practice of the Board has not materially changed during the year, as it has been found, as heretofore, that most of the



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matters which arise are settled through negotiations with the railroad companies or by willingness on the part of the companies to comply with the Board's recommendations before the case reaches a point where a formal order may be called for.

The supplement to the act creating the Board contains some provisions which were not in the original act and which have placed additional duties and responsibilities upon the Board.

This supplement provides that no railroad company shall abandon any railroad station, or cease to maintain the usual facilities of such station, without giving thirty days' notice to the Board of Railroad Commissioners, and the Board may, after a hearing, prevent the proposed abandonment of the station. The Board is also given power, upon complaint lodged with it, by the board of chosen freeholders of any county, the governing body of any municipality, or by twenty or more freeholders and taxpayers of any township or municipality that the crossing of a railroad and highway at grade is particularly dangerous, to order, after a hearing, such crossing protected. It is further provided that no municipality shall construct or cause to be constructed any new street or highway across the tracks of any railroad company at grade, nor shall any railroad company lay tracks across any street or highway so as to make a new crossing at grade, without obtaining therefor permission from the Board.

### GRADE CROSSINGS.

Suits begun by the Attorney-General in compliance with a request of the Board, for the elimination of crossings deemed particularly dangerous at Main street, East Orange; Irving street, Rahway; Market street, Paterson, and Schiller street, Elizabeth, are now in the Court of Chancery with issue joined and ready for argument.

The widespread interest in the matter of grade crossings and the laws regulating them has prompted the Board to prepare a special memorandum upon this subject, which is submitted herewith. (See Appendix.)

The Board, under existing law, has no power to order directly the removal of a dangerous crossing at grade, but, as noted above,

it does have power under certain conditions to issue orders for the protection of dangerous crossings. In a number of instances the Board has been called upon to investigate complaints alleging the existence of unusually dangerous conditions at grade crossings cited and asking that protection be afforded. Where, after such investigation, conditions in the opinion of the Board justified a requirement of additional protection, such protection has been ordered and all such orders have been complied with.

Investigation showed that at some of the crossings complained of the views were good, travel comparatively light and that ordinary precaution should eliminate the risk of accident. In such cases the Board has dismissed the complaints. Synopsis of all these petitions and the findings of the Board pertaining thereto are submitted under the heading "Complaints."

All of the dangerous crossings for which protection has been provided during the year have not been the subjects of complaint to the Board. It is the practice of the Board to investigate every accident occurring at a grade crossing, and where conditions at such crossings indicated the need of greater protection for the public safety, recommendations for such protection have been made. It will be understood that the Board's power to order a crossing protected can only be exercised following a complaint made in compliance with the requirements of the law, and that the Board has no power, upon its own initiative, to compel the protection of a dangerous crossing. It is, therefore, to the credit of the railroad companies that where the Board has pointed out, after investigation, particularly dangerous conditions and recommended that measures be taken to remove these conditions and render the crossings safer, its recommendations have been, in general, adopted. The measure of protection provided at these crossings ranges from the removal of obstructions to views to stationing of flagmen or the construction of gates.

Crossings with respect to which recommendations for protection have been made and complied with during the year, the nature of the recommendations, and the measure of protection provided are as follows:

Devon street, Arlington, on the Erie Railroad, where the crossing had been protected during the day only, the railroad company

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adopted the recommendation of the Board to operate gates both day and night.

At Harrison street, Passaic, on the Erie Railroad, gates have been installed.

At the crossing of the Mount Laurel road at Masonville on the Pennsylvania Railroad, one grade crossing has been eliminated through the consolidation of two highways.

At Pitman avenue, Penn's Grove, the speed of trains passing over the crossing has been reduced to five miles per hour.

At South Woodbury, on the West Jersey and Seashore Railroad, a flagman has been placed at the crossing.

At Lawn Side, on the Atlantic City Railroad, warning bell has been installed.

On the Williamstown road, Iona, West Jersey and Seashore Railroad, warning bells have been installed.

At Holly avenue, Pitman, on the West Jersey and Seashore Railroad, gates have been installed.

At Hawthorne, on the New York, Susquehanna and Western Railroad, the crossing was previously protected by a flagman from 7 A. M. to 7 P. M. The crossing is now protected from 6 A. M. to 12 o'clock midnight.

At Lenola, on the Pennsylvania Railroad, a light has been placed on the crossing as a night warning and a signal bell has been installed.

At Park avenue, Merchantville, on the Pennsylvania Railroad, the hours of duty of the watchman have been extended to cover all trains and a warning bell placed at the crossing.

At the crossing at the station at Lumberton, on the Pennsylvania Railroad, the view was obstructed by steam escaping from a pipe at a nearby factory. This was taken up with the owners of the factory who changed the pipe so as to clear the view of the crossing.

At Garwood, on the Central Railroad, the station has been moved and further improvements recommended by the Board are under way.

At Fourteenth street, Roseville, on the Delaware, Lackawanna and Western Railroad, a bell has been placed in the gateman's