

pany, the Commission sees no reason to change the conclusions reached in the opinion heretofore filed upon which the Certificate of Public Convenience was issued, and the action then taken is affirmed. With respect to the determination of the proportion of damages, these Railroads, through Counsel, submitted themselves to the determination of the Commission in the answer filed and at the hearings, (see page 89 of the testimony), and offered no evidence.

Permission is given to the Borough of Butler, as requested, to withdraw its petition.

ORDER.

This matter having come on to be heard on petition, praying for a re-hearing, and the Commission having considered the same, and filed its report containing its conclusions thereon, which report is hereby referred to and made a part hereof:

Now, therefore, this ninth day of October, 1914, It is ordered that the prayer of the petition of the Pittsburgh, Bessemer and Lake Erie Railroad Company and the Bessemer and Lake Erie Railroad Company be and the same is hereby refused.

COMPLAINT DOCKET No. 167.

W. A. EDGAR

vs.

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD COMPANY.

Decided June 17, 1914.

Complaint was made of inadequate passenger train service between Plains and Pocono Lake.

The Respondent averred that its service met every requirement of the traveling public between the points in question, and that its schedule was fairly well maintained.

The Commission recommended that the Respondent reduce the running time in each direction between the aforesaid points to two hours, from June 15th to September 15th.

D. E. Minard, Representing the Respondent.

REPORT OF THE COMMISSION.

JOHNSON, *Commissioner*:

On the 21st of March, 1914, Mr. W. A. Edgar, of Ashley, complained of the slow service of the passenger trains run on the Wilkes-Barre & Eastern Railroad, between Wilkes-Barre and Stroudsburg, Pa. This is a railroad that runs over the mountains through a country with very little population except at Pocono Lake and Naomi Pines, two mountain resorts, whose visitors patronize almost exclusively the Delaware, Lackawanna & Western Railroad, whose station, Pocono Summit, is about four miles from Pocono Lake.

At the time the complaint was made by Mr. Edgar, the train carrying passengers on the Wilkes-Barre & Eastern Railroad, which is a mixed train that handles freight and passengers, left Stroudsburg at 7.03 in the morning, and was scheduled to arrive at Plains, near Wilkes-Barre, at 12.15 noon. This train started on the return trip from Plains at 12.52, arriving at Stroudsburg at 5.45 P. M. The distance between Stroudsburg and Plains is about sixty-two miles. This slow service is due to the fact that this train is a way-freight train operated over the mountains. This schedule has been irregular as well as slow.

A hearing was held at Wilkes-Barre on the 30th of April, at which both Complainant and Respondent presented testimony.

The Complainant requested the Commission to order the Wilkes-Barre & Eastern Railroad Company to run a regular passenger train in addition to the mixed train now being operated. The evidence presented at the hearing shows that the traffic is too light to justify the Commission in ordering the Railroad to run a regular passenger train, and the Complainant in a letter written May 27th, states "I will agree with you that the service on this road will hardly bear a first-class train."

Subsequent to the hearing, a conference was had with Mr. D. E. Minard, Assistant General Solicitor of the Wilkes-Barre & Eastern Railroad Company, who agreed to recommend to his Company an improvement in the schedule of the existing mixed passenger and freight train. In accordance with his promise, Mr. Minard, on the 8th of May, informed the Commission that the Operating Department of the Wilkes-Barre & Eastern Railroad Company had agreed to shorten the schedule of the train, so that its schedule time of arrival in Plains will be 11.45 A. M., instead of 12.15 noon, and that its time of departure from Plains would be 1.20 P. M., instead of 12.52 noon. This change in the schedule was made for the purpose of allowing passengers one full hour in Wilkes-Barre for shopping or other business purposes. It was also agreed by the Com-

pany to relieve the mixed train of certain switching services, which would be performed by the crew of a coal train. It was also stated that these changes would go into effect on the 15th of June.

This offer on the part of the Railroad was transmitted to Mr. Edgar, as representative of the Complainants, and on the 27th of May Mr. Edgar replied, suggesting other improvements in the schedule of the train. Upon receiving this letter I requested Mr. Minard to meet me in Philadelphia in order that I might take up with him the suggestions made by Mr. Edgar in his letter of May 27th.

Mr. Minard thought it would be possible to carry out most of Mr. Edgar's suggestions, and he agreed to take them up with his Company. He did so, and on the 15th of June wrote, stating that the east bound train having been scheduled to leave Plains at 1.25 P. M. instead of 1.20 P. M. as intended, it will be possible for passengers to leave the center of Wilkes-Barre by trolley at 1 o'clock, and catch the 1.25 train at Plains for Stroudsburg. Mr. Minard also stated that although the train was scheduled to arrive from Stroudsburg at Plains at 11.45 A. M., instructions would be given to the crew to bring the train into Plains in time to allow passengers to take the 11.42 trolley into Wilkes-Barre.

It was also stated by Mr. Edgar in his letter of May 27th, that it would be possible for the Railroad Company to shorten the service between Plains and Pocono Lake, east bound and west bound, and to make the running time between these two points, two hours. The schedule proposed by the Company does not quite accomplish this, the running time west bound being about ten minutes over two hours, and east bound about twenty minutes over two hours.

It is recommended that the Railroad Company be required to reduce the running time in each direction between Plains and Pocono Lake to two hours, from June 15th to September 15th, and that when this has been agreed to by the Railroad Company, the Complainant be informed of the improved schedule, and that the case be closed.