

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made and filed of record a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

Now, to-wit, February 4th, 1915, It is ordered: That the Cambria Inclined Plane Company, the Respondent, make the improvement in its service set out in the report of the Commission above referred to, by the adoption of the devices and practices therein mentioned, and that it report to the Commission within thirty days from the date of this order the steps which have been taken by it to carry out the aforesaid improvements.

COMPLAINT DOCKET No. 247.

GOMER JONES, ET AL.,

vs.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD
COMPANY.

Decided February 4, 1915.

Complaint was made to the Commission that the passenger rate of ten cents each way between Scranton and Taylor, charged by the Delaware, Lackawanna and Western Railroad Company, was unreasonable.

Held: That the fare should be five cents each way.

J. E. Watkins, Representing the Complainants.

J. H. Oliver, Frederic W. Fleitz and Ralph J. Baker, Representing the Respondent.

REPORT OF THE COMMISSION.

JOHNSON, *Commissioner:*

The borough of Taylor, Lackawanna County, Pa., is located approximately three and one-half miles by railroad from the center of the city of Scranton. The borough has a population of 9,000, and is

connected with Scranton not only by the Bloomsburg Division of the Delaware, Lackawanna and Western Railroad (one of the Respondent company's lines), but also by the Central Railroad of New Jersey and by an electric line of the street railway system of Scranton. The Delaware and Hudson Railroad with a station at Minooka, close to Taylor, also has a line to Scranton.

The train service between Taylor and Scranton includes one train each way on the Central Railroad of New Jersey, ten trains in each direction on the Delaware and Hudson Railroad, while the service of the Delaware, Lackawanna and Western consists of five trains from Taylor to Scranton, and four daily from Scranton to Taylor. In addition to these services, the electric line of the Scranton Railway Company operates cars at frequent intervals between Scranton and Taylor. The Respondent company runs four trains each way daily on the Bloomsburg Division between Scranton and Northumberland with stops at Taylor; and, in addition to these trains, there is a train operated between New York and Kingston. This train leaves Kingston at 7.10 A. M., stopping at Taylor at 7.45, and arriving at Scranton at 7.55. On the return trip from New York, this train departs from Scranton at 9.20 P. M., but does not make a stop at Taylor on the run to Kingston.

For a number of years prior to October 8, 1913, the fare charged by the Respondent company between Taylor and Scranton was five cents, which fare is still charged by the other steam roads connecting Taylor and Minooka with Scranton. On the date just mentioned, the Respondent company advanced the fare to ten cents. When the fare was five cents, a large number of persons (50 or more according to the record), travelled on the Respondent's morning train from Taylor to Scranton. When the fare was advanced to ten cents, the number of passengers from Taylor on this train is said to have been reduced to an average of eight to ten.

In order to accommodate the relatively large number of passengers that travelled from Taylor to Scranton on the morning train when the fare was five cents, the Respondent company was obliged to include in the train from Kingston to Scranton, a smoker and two day coaches, in addition to the two Pullmans which this train regularly carries between Kingston and New York. Except when the travel was unusually large from Scranton east, one of the day coaches from Kingston was taken out of the train at Scranton, this coach being ordinarily taken back to Kingston by a train leaving Scranton at 6.40 P. M. The Respondent's acknowledged purpose in increasing the fare from five to ten cents was so to reduce the travel from Taylor to Scranton on this morning train as to enable the company to run one day coach instead of two day coaches in addition to the smoking car and the Pullmans. The company sought to make the rate high

enough to divert to other carriers most of the passengers that had travelled from Taylor to Scranton by the Respondent's morning train from Kingston to New York.

Two questions are raised by the case at issue; (a) the reasonableness of the Respondent's increase in the fare between Taylor and Scranton from five to ten cents; (b) the reasonableness of the action of the company in increasing fares for the purpose of withdrawing facilities which the public had enjoyed and made large use of prior to the increase in the fares.

While a fare of five cents for a distance of three and one-half miles may be regarded as a low charge *per se*, there are several considerations tending to establish the relative reasonableness, under present conditions, of a five-cent fare by the Respondent company between Taylor and Scranton. The borough of Taylor with a population of at least 9,000 is a suburb of the important city of Scranton, with a probable population of 140,000. As correctly stated by counsel for the Respondent: "Taylor is a suburb, and a great many people work in Scranton. That is not so in Old Forge, and it is not so in Moosic and the other towns around there. Taylor is an exceptional town in that respect * * * * * Now this train just suits their convenience in the morning, and they will keep on using it if they can at a five-cent rate."

A fare of five cents each way between Taylor and Scranton for a service which is suburban in character is not out of line with the charge of 35 cents one way for the 17.4 miles between Scranton and Kingston, nor with the charge of 35 cents made by three rail lines for the 19 miles between Scranton and Wilkes-Barre. Moreover, the fare now charged by the Central Railroad of New Jersey from Taylor to Scranton and by the Delaware and Hudson Railroad from Minooka to Scranton is five cents each way. This has been the fare for many years, and was the charge of the Respondent company for a considerable period prior to October 8, 1913.

It happens that the fare by the electric railway from Taylor to Scranton is ten cents. This fact, however, does not necessarily justify a ten-cent fare between Taylor and the passenger station of the Respondent in the City of Scranton. The street railway company charges five cents for a trip within the municipal area of Scranton, and has a five-cent fare zone outside of the city. Taylor is a comparatively short distance outside of the city limits of Scranton. Persons riding by trolley from Taylor to Scranton may reach any part of the city for ten cents; those travelling from Taylor to Scranton by steam railroad are required, in many cases to pay a five-cent street railway fare from the railroad station to their destination within the city.

In support of the increase that was made in fares between Taylor and Scranton for the purpose of enabling the Respondent company to haul one less day coach ordinarily from Kingston to Scranton in the morning and from Scranton to Kingston on an evening train, it was testified by the superintendent of the Scranton Division of the Respondent company's railroad, that the daily cost of maintaining a passenger coach and hauling it over the round-trip run between Kingston and Scranton was \$6.65; and that, "inasmuch as the fares received by the company at five cents per passenger from those travelling by the morning train from Taylor to Scranton was less than \$6.65, the Respondent was justified in raising the fares from five to ten cents between Taylor and Scranton."

The increase in fare, it should be noted, applies not only to the passengers taking the morning train from which the Respondent desired to withdraw one passenger coach, but to all passengers travelling by any of the Respondent company's trains between Scranton and Taylor. The cost figures presented by witness for the Respondent have not been verified; but, assuming that they are correct, it is not clear that the traffic between Taylor and Scranton should bear the entire cost of operating a day coach on the round trip between Kingston and Scranton. Witnesses for the Complainant testified that the day coach, which prior to October 8, 1913, was run from Kingston to Scranton in the morning mainly for the accommodation of passengers from Taylor to Scranton, was also used to some extent by passengers to Scranton from points between Kingston and Taylor. The record also shows that two day coaches in addition to the smoking car are not infrequently required for the accommodation of the traffic to Scranton on the Respondent's New York morning train. A record of the number of passengers and of the train "consist" for the week Saturday, November 7, 1914, to Friday, November 13, 1914, inclusive, was reported to the Commission by the company; and the report shows that, even with the present ten-cent fare, the company was obliged to run two day coaches, beside the smoker on Monday, November 9, there being, on that date, 174 passengers in the smoker and day coaches upon the arrival of the train at Scranton. On the other days of the week covered by the report, there was one day coach beside the smoker, and the average number of passengers in the two cars upon the arrival of the train in Scranton was 135, which would indicate that the coaches were used practically to their entire capacity. From the facts of record it would appear that the Respondent company ought regularly to include in the train leaving Kingston at 7.10 in the morning for Scranton and New York, two day coaches in addition to the smoking car. If this is done there will be no difficulty in affording reasonable accommodation for all passengers that may desire to travel by this train from Taylor to Scranton for a fare of five cents.

An order will issue requiring the Respondent company to establish a passenger fare of five cents each way between Taylor and Scranton, and to provide adequate facilities for the accommodation of passengers desiring to travel from Taylor to Scranton.

ORDER.

This case being at issue, upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed of record a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

Now, to wit, February 4th, 1915, it is ordered: That the Delaware, Lackawanna and Western Railroad Company establish, according to law, a passenger fare of five cents each way between Taylor and Scranton, and provide adequate facilities for the accommodation of passengers desiring to travel from Taylor to Scranton.

COMPLAINT DOCKET No. 317.

ANTONIE FIASCO

vs.

PENNSYLVANIA RAILROAD COMPANY.

Decided February 5, 1915.

Complainant petitioned for a railroad crossing in the eastern end of the village of McCartney, Clearfield County, alleging inconvenience in getting to his property located along the railroad.

It was denied that the Complainant was inconvenienced, the Respondent averring that there were two crossings within reasonable distance of his property.

Held: That as the proposed crossing would be at grade and at a point where the same would be dangerous, and the Complainant has other means of ingress and egress to and from his property, the complaint was dismissed.

S. B. Lloyd, Assistant General Solicitor, Representing the Respondent.