

DECISIONS OF

The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

MAY 21, 1915 TO JULY 1, 1917

AND OPINIONS OF THE APPELLATE COURTS
IN APPEALS THEREFROM

VOLUME II

HARRISBURG, PENNA. :
J. L. L. KUHN, PRINTER TO THE COMMONWEALTH
1919

modification of the report and order of this Commission of December 14th, 1915, and answer to said petition, and having been duly heard and submitted by the Commission, and the Commission on the date hereof having made and filed of record its report containing its findings of fact and conclusions thereon, which report containing made a part hereof:

NOW, to-wit, February 13, 1917: The Jenkins Township Light, Heat and Power Company IS ORDERED to cease and desist from exercising any rights as a public service company in Jenkins Township until it shall have applied for and received from this Commission a certificate of public convenience approving the beginning of the exercise of its rights, powers, franchises or privileges.

COMPLAINT DOCKET NO. 261.

CITY OF SCRANTON.

vs.

CENTRAL RAILROAD COMPANY OF NEW JERSEY, ET AL.

In the matter of the construction of a Union Station in the City of Scranton by the Central Railroad Company of New Jersey, the New York, Ontario and Western Railroad Company, the Delaware and Hudson Company, the Delaware, Lackawanna and Western Railroad Company and the Erie Railroad Company.

Broad and comprehensive as are the powers committed to the Public Service Commission by the Public Service Company Law, no authority has been given it to make an order on two or more railroad companies to join in the construction of, or in the operation of a Union Station. No doubt the Commission possesses the power, whenever the public needs so demand, to require different public service companies to bring their respective stations into close proximity to one another, because the duty to furnish reasonable and adequate facilities would include, of course, the proper location of a terminal; but the joint construction and the joint operation entails physical identity and common ownership.

APPEARANCES:

D. J. Davis, City Solicitor, and Harry C. Reynolds, Representing the City of Scranton.

Frederic W. Fleitz, D. R. Reese, Representing the Delaware, Lackawanna and Western Railroad Company.

Jackson E. Reynolds, Representing the New York, Ontario and Western Railroad Company and Central Railroad Company of New Jersey.

T. H. Burgess, Representing the Erie Railroad Company.

OPINION.

RYAN, *Commissioner*:

On August 1, 1914, the City of Scranton filed with The Public Service Commission its petition setting forth that the Central Railroad Company of New Jersey, the New York, Ontario and Western Railroad Company, the Delaware and Hudson Company, the Delaware, Lackawanna and Western Railroad Company and the Erie Railroad Company are all common carriers engaged in the transportation of persons and property in and through the state of Pennsylvania with terminals in the city of Scranton. That the Central Railroad Company of New Jersey is about to contract for the construction of a railroad passenger station in the said city, not only for its own use, but for that of the New York, Ontario and Western Railroad Company. That an effort had been made by officials of the city of Scranton and by numerous tax-payers thereof to secure the co-operation of all the railroads so that a union station should be erected to be used, not only by the said Central Railroad of New Jersey and the New York, Ontario and Western Railroad Company, but also by the Delaware and Hudson Company, the Delaware, Lackawanna and Western Railroad Company and the Erie Railroad Company. The petition set forth, however, that the Central Railroad Company of New Jersey had refused to enter into any negotiation looking toward the erection and construction of such a union station, notwithstanding the fact that the Delaware and Hudson Company proposed to contribute thereto a large proportion of the cost thereof. The city further set forth that the proposed union station could be located on the westerly side of the Lackawanna River; that the present tracks of the Delaware and Hudson Railroad are located about two hundred feet distant upon the easterly side of said river; that the Delaware, Lackawanna and Western Railroad Company's tracks cross over the tracks both of the Central

Railroad Company of New Jersey and of the Delaware and Hudson Company at a distance not exceeding three hundred feet from the proposed site; that the Erie Railroad Company's present station is now located about one mile distant from the site of the proposed union station, but that its tracks could be extended in such manner as to make not only its entrance, but the entrance of all the railroads having separate stations in the city of Scranton feasible, practicable and at a cost which would be reasonable. That the site of the proposed union station would be almost in the center of the population, as well as of the geographical limits of the city of Scranton; would be located on its principal thoroughfare; and would be accessible to all sections. The city further averred that said union station is necessary for the well-being of the city of Scranton and for the safety of its citizens and the travelling public; that Scranton is an important natural junction point for traffic and that the travelling public, especially those having business in northeastern Pennsylvania would be greatly benefited, as transfers would be made without inconvenience, and the expense of transportation facilities within the city now burdensome, would be greatly reduced.

To this petition the various railroads made answer in substance practically as follows:—The New York, Ontario and Western Railroad Company averred: That the proposed union station would be neither feasible nor practicable; that it could not be constructed at a reasonable cost; that its passenger business at Scranton was small and insufficient to warrant an extension terminal; that its railroad enters the city of Scranton along a narrow valley in which there is barely room for its own passenger facilities, and further setting forth that this Commission is without jurisdiction to grant the prayer of the petitioners.

The Delaware, Lackawanna and Western Railroad denied that a union station as proposed could be used by it and averred that it, therefore, ought not to be made to take part in its construction; that its yard facilities, track arrangements, elevations and present station had been established at great expense; that the established grades prevented its making use of the proposed station; that the thoroughfare on which it is proposed to build a union station is inaccessible; and denies that the construction of a station would be of benefit to the city. It further declares that in the year 1908 it completed the erection of its own station at an expense of approximately one-half million dollars, and that this station as so erected is in the best located place, and declares that it should not be asked to join in the erection of a union station for which it could have no use.

The Central Railroad Company of New Jersey admitted that it was about to erect a station for itself but denied the Delaware

and Hudson Company proposed to contribute a large proportion of the cost of such station; that a union station with a capacity to accommodate all the trains of all the railroads entering Scranton could be located on the site suggested, asserting that it is impracticable from a financial standpoint to extend the Erie Railroad Company's tracks and while admitting that the proposed site for a union station is in the center of population and geographical limits, and on the principal thoroughfare of Scranton, avers that its own proposed station would furnish adequate accommodations. To the same effect were all the answers of the other railroads—each of them in varying forms, setting forth objections, physical, financial and legal to the construction of a union station.

Hearings and conferences have been had before the Commission, which meetings have been attended by the city solicitor and other representatives of the city of Scranton and by counsel, as well as the officers of the various railroads.

The erection of a union station would undoubtedly be a most admirable achievement. Wherever tried, as for example, in the city of Washington, it has resulted in increased comfort and convenience to the travelling public, as well as providing helpful to the economic and more scientific management of railroad companies. The concrete example of so splendid a result is an object lesson before the eyes of railroad managers, and it would seem that all new developments in the cities of the United States would have in view the ultimate gathering under one roof of all incoming and departing trains.

The Commission is entirely sympathetic with the desires of the people of Scranton to secure the erection of a great union station into which the trains of all the railroads entering that city might enter and from which they might depart. But broad and comprehensive as are the powers committed to it by The Public Service Law, we regret that no authority has been given to make an order on two or more railroad companies to joint in the construction of, or in the operation of any such enterprise. So long as the law remains as it is, voluntary joint action by all the railroads—a real union—is the only hope for the people of Scranton.

We have no doubt that the Commission possesses the power, whenever the public needs so demand, to require different public service companies to bring their respective stations into close proximity to one another—because the duty to furnish reasonable and adequate facilities would include, of course, the proper location of a terminal. But the joint construction and the joint operation entails physical identity and common ownership. Because of the limitations of The Public Service Company Law the Commission is without power to

order the construction of a union station or to compel contributions from the various railroads to secure the building of the same, and the petition of the city of Scranton must be, therefore, denied.

ORDER.

This matter being before The Public Service Commission of the Commonwealth of Pennsylvania upon complaint and answers 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 approved and made a part hereof:

NOW, to-wit, July 8th, 1916, IT IS ORDERED: That the petition in this case be, and the same hereby is refused.

COMPLAINT DOCKET No. 1090.

WILLIAM OSBORNE, ET AL.,

vs.

POTTER GAS COMPANY.

January 22, 1916, respondent gave notice that after 30 days from the date of said notice, the minimum charge for service of natural gas to its consumers would be increased from 50 cents to \$1.10 per month, allowing a discount of 10 cents per month if paid within the first ten days of the following month. Complaint was filed against said increase.

The Commission held that the material facts in this proceeding are substantially similar to those presented in the complaint of residents of the Borough of Galeton vs. Potter Gas Company, where the same issue was involved. In that case a minimum charge of \$1.00 per month was held just and reasonable. Wherefore, this complaint was dismissed.

APPEARANCES:

T. F. Mullin, Representing the Complainants.

Samuel S. Mehard, Representing the Respondent.