

DECISIONS OF

The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

September 10, 1929 to May 11, 1931

VOLUME 10



HARRISBURG, PENNSYLVANIA

1931

Considering all the facts and circumstances involved, the Commission is of the opinion that the discontinuance of trains Nos. 8 and 9 by The New York Central Railroad Company between Clearfield and Heilwood on its Pennsylvania Division will not materially affect the community located on and served by said trains, and that the said discontinuance is proper for the service and convenience of the public.

An order will, therefore, issue approving the application of The New York Central Railroad Company for permission to discontinue trains Nos. 8 and 9, effective upon thirty (30) days' notice to the public and to this Commission.

APPLICATION OF DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 20775

Service—Employes—Railroad—Withdrawal of station agent—Public convenience.

The withdrawal of station agent and substitution of a caretaker was approved where passenger service was light, outbound freight shipments made as theretofore, and the resulting inconvenience would be inconsiderable.

Daniel R. Reese and G. W. Morgan for Applicant.

Welles, Mumford and Stark for Borough of La Plume.

REPORT BY THE COMMISSION, *October 15, 1929:*

By this proceeding, the applicant railroad company seeks approval by the Commission of the withdrawal of the agent from its station in the Borough of La Plume, Lackawanna County, on its main line between New York and the West. Protest against the change has been filed by the borough.

Railroad service at La Plume consists of one freight train and three passenger trains daily each way, one of which, each way, stops after the station has been closed for the day. The change sought involves the discontinuance of the agent at the station and the substitution in his stead of a caretaker who will have the station open, lighted and heated when necessary, for a reasonable time prior to the arrival of trains, and who also will be present at certain times during the day to receive and deliver shipments of freight.

The gross freight revenues to the applicant railroad from business

passing through the station, have averaged approximately \$7,000 per year for the years 1927 and 1928. Passenger business is light, amounting to approximately one person in and one person leaving the station per day, except at particular times during the summer when certain camps in the vicinity open and close, on which occasions special equipment is provided. The expenses of maintaining the agent at the station include a salary of \$1,650 per year to the agent, as against approximately \$360 to be paid to the caretaker.

Turning to the question of possible public inconvenience raised by the protest of the borough, it appears that at present the nearest agency stations are at Dalton and Factoryville, on the Lackawanna Trail, approximately two miles to the south and north of La Plume, respectively. The territory served by the station at La Plume, in addition to the borough consists of the farming community around it and one or two outlying sections. The chief industries are the coal and feed store belonging to the railroad's station agent who will be transferred to Dalton, and the electric company in the vicinity. It appears that nearly all of the carload shipments are consigned to the railroad's agent as well as a large part of both inbound and outbound less than carload shipments. The record indicates that under the proposed arrangements outbound shipments can be made from La Plume as heretofore, but arrangements and pre-payments if any must be made and bills of lading obtained at the Dalton station. Inbound shipments will be required to be made on the prepaid basis, or if shipped collect with draft attached, delivery of the draft must be arranged for at the bank at Dalton or Factoryville as at present, and the bill of lading then delivered to the agent at Dalton before possession can be had of goods at La Plume. Less-carload shipments can be obtained from the locked freight house from the caretaker.

Passenger tickets can be purchased and baggage checked on the train, the baggage being loaded on the car either by the caretaker or member of the train crew. Incoming baggage will be unloaded and check therefor received by the baggageman on the car.

Testimony as to the inconvenience involved in these changes is not convincing. The Commission finds no material public inconvenience resulting from the change which would require the continuance of the agency under the conditions obtaining. In view of all the facts and circumstances here involved, the Commission is of the opinion and finds that the change of applicant railroad company's station at La Plume from an agency to a non-agency station is proper for the service, accommodation and convenience of the public. An order will issue accordingly, permitting such change to be made.

McKeesport and Westview, it actually renders such street railway service.

The two points involved in the operation in question are on the lines of complainant, and, therefore, within the meaning of the restriction. To hold otherwise would defeat the purpose of the limitation.

For these reasons the Commission is of the opinion and finds that the operation by respondent on July 28, 1930, constituted a violation of the restriction contained in its certificate of public convenience; **THEREFORE,**

NOW, to-wit, January 13, 1931, **IT IS ORDERED:** That the complaint be and is hereby sustained and that the Mon Valley Bus Company, respondent, forthwith cease and desist from engaging in this or any other operation not authorized by its certificate of public convenience heretofore granted to it.

DELAWARE, LACKAWANNA AND WESTERN RAILROAD
COMPANY

v.

JONES, T/A LACKAWANNA TRUCKING COMPANY

COMPLAINT DOCKET No. 8342

Common carrier—Motor truck—Freight and merchandise carriage.

An operator of a truck is engaged in common carriage when he maintains telephone service under listing as a trucker and hauls merchandise indiscriminately as his business.

G. W. Morgan for Complainant.

Cornelius B. Comegys for Respondent.

REPORT AND ORDER BY THE COMMISSION, January 20, 1931:

The complainant alleges that respondent, Sidney P. Jones, doing business as Lackawanna Trucking Company, is engaged in the transportation of freight and merchandise as a common carrier by motor truck between Scranton, Lackawanna County, and Stroudsburg, Monroe County, without having first obtained a certificate of public convenience evidencing approval thereof. Respondent denies that he is