

DECISIONS OF

The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

May 11, 1931, to February 28, 1933

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plaint, in so far as the proper flagging protection of the trains included in the assignment and operated by the Tamaqua-Mauch Chunk train crew is concerned, be and is hereby sustained.

IT IS FURTHER ORDERED: That The Central Railroad Company of New Jersey so arrange and supervise the operation of trains manned by said crew that proper flagging protection as required by Operating Rule No. 99 be furnished under all operating conditions covered therein.

APPLICATION OF WHITE TRANSIT COMPANY

LAUREL LINE BUS COMPANY

v.

WHITE TRANSIT COMPANY

APPLICATION DOCKET No. 21053 (FOLDER No. 3)
COMPLAINT DOCKET No. 8814

Motor vehicles—Approval of route extensions—Necessity—Unauthorized service.

Where it appeared that applicant had been rendering group and party motor vehicle service in certain territory for a number of years, the Commission, while not recognizing that such service without authority establishes a necessity for the service, granted applicant the right to render such service, but refused the right to operate excursion service from any point and the right to render group service from various points named in application.

Abram Salsburg, E. M. Vale and Francis Shunk Brown, Sr., for White Transit Company.

Kelly, Balentine, Fitzgerald & Kelly by W. J. Fitzgerald for Laurel Line Bus Company and Lackawanna and Wyoming Valley Railroad Company.

S. W. Rhoads for The Wilkes-Barre Railway Corporation and Wyoming Valley Autobus Company.

Sterling G. McNees and Knapp, O'Malley, Hill & Harris by W. L. Hill for Scranton Bus Company.

H. C. McGrath and H. W. Mumford for Madden & Brady.

Walter W. Kohler and W. S. Smith for Anthracite Bus Lines.

Paul Bedford for Delaware and Hudson Company.

J. Gordon Mason for W. P. Evarts.

F. B. Smillie for Lehigh Valley Railroad Company.

Henry Z. Maxwell and *F. B. Willis* for The Pennsylvania Railroad Company.

H. B. Thomas for The Central Railroad Company of New Jersey.

Gomer W. Morgan for The Delaware, Lackawanna & Western Railroad Company.

REPORT BY THE COMMISSION, *August 4, 1931:*

On November 18, 1930, the Commission granted White Transit Company the right to transport groups and parties of persons from the cities of Wilkes-Barre and Pittston, and the boroughs of Plymouth, Kingston, Nanticoke, Edwardsville and Larksville, Luzerne County, but refused to permit the company to operate such service from some thirty or more other communities named in its application. A petition for rehearing with respect to the various municipalities in Luzerne County with the exception of the City of Hazleton and the surrounding territory was filed and rehearing was granted by the Commission.

From the record it is evident that the applicant has been rendering group service for a number of years to the residents of the communities located along both sides of the Susquehanna River, from the Luzerne-Lackawanna County Line southward to and including the townships of Hunlock Creek and Newport, Luzerne County, and while not recognizing that such operation without authority establishes the necessity for the service, the Commission is of the opinion that the White Transit Company should be granted the right to transport persons in group and party service from this territory which includes the cities of Wilkes-Barre and Pittston and the boroughs of Plymouth, Kingston, Nanticoke, Edwardsville, Larksville, Warrior Run, Dorranceton, Ashley, Courtdale, Laffin, Forty Fort, Wyoming, West Wyoming, West Pittston, Parsons, Dupont, Exeter, Avoca, Luzerne, Sugar Notch, Swoyersville, Hughestown, Duryea and Miners; and the townships of Newport, Hanover, Jenkins, Plains, Marcy, Pittston, Hunlock and Plymouth.

The Commission does not believe that the granting of the right to this applicant to furnish excursion, tour or sight-seeing service as defined in Administrative Ruling No. 12 from these communities is necessary or proper for the service, accommodation and convenience of the public.

The Commission, therefore, finds and determines that approval of

the right of the White Transit Company to transport groups and parties of persons from the above named communities as points of origin is necessary and proper for the service, accommodation and convenience of the public. With respect to right to render group and party service from the other points of origin named in the petition and to render excursion and sight-seeing or tour service from any of the points named in the petition, the Commission finds and determines that the applicant has failed to establish that such operation is necessary or proper for the service, accommodation and convenience of the public. An order will therefore issue rescinding the action of November 18, 1930, and confirming these findings and determination.

Prior to the rehearing on the application, the Laurel Line Bus Company, a motor vehicle transportation company, authorized to furnish group and party service from Pittston, Hughestown, Avoca, Dupont and Moosic, filed a complaint (Docketed to C. D. 8814) alleging operation in group and party service by the White Transit Company from points of origin refused by the order of November 18, 1930, namely, Hughestown, Avoca, Dupont and Moosic. The respondent in its answer denied that its operation was limited by the term of its certificate and declared that its claim of right to render group and party service from the communities named in the petition, based upon operation prior to and continuously since 1914, had not been finally determined by the Commission.

The complaint was submitted on the record in the application docket but there is no evidence to support any claim that the White Transit Company unlawfully operated group and party service from the points named, and an order will issue dismissing the complaint.

From this and other records before the Commission pertaining to White Transit Company, it would appear that the company has been rendering service not authorized by its certificates. Further operation in group and party service from points of origin not named in the certificate or in a manner contrary to the conditions contained therein shall be deemed sufficient cause for revocation of certificate and imposition of penalties provided by law.

Appropriate orders were issued dismissing the complaint and granting applicant a certificate of public convenience subject to express conditions and limitations.