

DECISIONS OF

# Pennsylvania Public Utility Commission

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HARRISBURG, PENNSYLVANIA

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tinuation of the operation of one passenger train each way daily by Bessemer and Lake Erie Railroad Company between North Bessemer and Erie and consequently we shall deny approval of the instant application; THEREFORE,

NOW, to wit, July 6, 1942, IT IS ORDERED: That approval of the application be and is hereby denied.

(Commissioner Beamish being absent did not participate in the vote on this order.)

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APPLICATION OF THE DELAWARE, LACKAWANNA AND  
WESTERN RAILROAD COMPANY

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APPLICATION DOCKET No. 60377

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*Railroad—Abandonment.*

Where a community is adequately served by respondent, along with other railroad companies, the Commission approved application for abandonment of an agency passenger and freight station.

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*G. W. Morgan* for Applicant.

*Carl J. Berk* for Protestant.

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BY THE COMMISSION, *July 6, 1942:*

The Delaware, Lackawanna and Western Railroad Company maintains on the Bloomsburg Branch of its Scranton Division an agency passenger and freight station in the City of Pittston, Luzerne County, located 1.7 miles by rail, and approximately the same distance by improved highway, west of its agency station at Duryea, and 1.32 miles by rail, and approximately the same distance by improved highway, east of its agency station at West Pittston. West Pittston and City of Pittston are separated by the Susquehanna River, which is spanned by two bridges in this locality.

In the instant proceeding The Delaware, Lackawanna and Western Railroad Company seeks Commission approval of the abandonment of its agency passenger and freight station at Pittston, Luzerne County.

Protests against the proposed abandonment of the agency station at Pittston were filed on behalf of the Pittston Chamber of Commerce, several merchants of Pittston and the Order of Railroad Telegraphers.

The record shows that Pittston station is located in the City of Pittston, which has a population of 18,246 persons. The facilities are a station building and a public delivery track. An agent is on duty from 8:00 a. m to 5:00 p. m. The business houses and industries in Pittston consist of coal companies, wholesale grocery houses, meat markets, furniture stores, a silk factory, clothing companies, ice cream plants, stove works, machine shops, a brewery and similar establishments. The majority of business houses are located in the central part of Pittston City and the major portion of these average as near to West Pittston station as to Pittston station. No industry is served by a private siding. Nine firms are on the credit or accommodation list of the railroad company and five to seven per cent of the total revenue is derived from these patrons. The railroad company lists two passenger bus companies and four motor freight companies serving Pittston and vicinity. Pittston is also served by several other railroad companies. Lehigh Valley Railroad Company has two stations in Pittston, one of which adjoins the station of The Delaware, Lackawanna and Western Railroad Company. There is interchange of traffic between these two companies at this point. The Bell Telephone Company of Pennsylvania operates in the territory in which Pittston, West Pittston and Duryea are located without toll charge.

The testimony shows that two passenger trains daily in each direction have scheduled stops at Pittston station; that not more than an average of two passengers per day board or leave the trains at this station, and that during the first six months of 1941 the average was one passenger per day.

The railroad company submitted statements to show the net revenue derived from the operation of its agency passenger and freight station at Pittston during 1938, 1939, 1940 and the first six months of 1941, and the present annual expense incurred in maintaining the station are as follows:

## SHIPMENTS AND REVENUE

Year	Carload Shipments		Less-than-carload Shipments		Revenue	Passenger Revenue	Total Revenue
	In-bound	Out-bound	In-bound	Out-bound			
1938	9	—	\$2,956	79	\$3,337.72	\$1,168.18	\$4,505.90
1939	3	—	3,605	94	4,529.03	1,475.74	6,004.77
1940	9	1	3,452	44	4,239.73	460.37	4,700.10
1941 (6 mos.)	1	—	1,590	14	1,515.08	174.87	1,689.95

## PRESENT ANNUAL EXPENSE

Station maintenance .....	\$50.00
Agent's wages .....	1,894.30
Heating .....	30.90
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Total .....	\$1,975.20

These statements show that only one carload shipment originated at this station during 3½ years; that the most carload shipments received any year were nine; that in 1939 three carload shipments were received; and that the greater part of the business at this station consists of inbound less-than-carload shipments.

The testimony shows that motor pick-up and delivery service is in effect at Pittston, West Pittston and Duryea stations. Eighty-two per cent of all less-than-carload shipments handled at Pittston are handled through this service, so that shippers or consignees of over 80 per cent of the shipments will not be affected by the proposed change.

The record shows that in event the application is approved, the annual expense incurred at this station will be saved to the railroad company; and that the present employee in charge of the station will merely exercise his seniority rights on another position.

Testimony shows that it is necessary to cross two tracks of the railroad to reach Pittston station; that the approach to the crossing is difficult; that the crossing is sometimes blocked by trains, that a watchman is not provided at this point, and that a dangerous condition exists.

The majority of the testimony submitted by the protestants has little relevancy to the matter at issue and is not materially adverse to the abandonment of Pittston station and the transfer of its business to West Pittston station, as proposed by the railroad company. Much of this testimony tends to substantiate the statement of the railroad company that its patrons in the City of Pittston and vicinity will be as conveniently and effectively accommodated at West Pittston and Duryea stations as at Pittston station.

Testimony shows that the public delivery track at Pittston station will be continued and maintained; and that it has not been definitely determined whether, in event the application is approved, the station building will be removed but, in case of removal, the salvage value will be very small.

Testimony shows that, in event this application is approved, West Pittston station will have jurisdiction over the territory now served

by Pittston station; that at West Pittston station there is a driveway leading to the station without crossing tracks, a public delivery track, a convenient loading platform and a large parking area. The testimony further shows that improved highways connect West Pittston station with Pittston City; that the same motor pick-up and delivery service will be in effect; and that the same accommodations and convenience afforded patrons at Pittston will be available at West Pittston. The business now handled at Pittston station will be transacted at West Pittston, which is as accessible as Pittston station, and under improved operating conditions.

The railroad company states that it does not anticipate that there will be any loss in revenue or business because of the abandonment of Pittston station.

The railroad company also states that at this location it has three agency stations within a distance of four miles, and in order to conserve resources and to conduct the business with the greatest possible efficiency and economy, it desires to abandon one of these stations, believing that its business now handled at said Pittston station can be conveniently handled and the public safety, adequately and conveniently accommodated at either Duryea or West Pittston station, and there is no further need of the maintenance of said station at Pittston.

Upon full consideration of the matters and things involved, we find and determine that the proposed abandonment of The Delaware, Lackawanna and Western Railroad Company's agency passenger and freight station at Pittston, Luzerne County, is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

NOW, to wit, July 6, 1942, IT IS ORDERED:

1. That the prayer of the instant application be and is hereby granted.

2. That a certificate of public convenience issue, evidencing our approval of the abandonment of the agency passenger and freight station of The Delaware, Lackawanna and Western Railroad Company at Pittston, Luzerne County, subject to the following two conditions:

(a) That approval of the abandonment of the agency passenger and freight station of The Delaware, Lackawanna and Western Railroad Company at Pittston, Luzerne County, shall become effective only upon 15 days' prior

notice to this Commission and to the public; such notice to the public to be posted at the Pittston station of the railroad company.

- (b) That tariff publication of the changes authorized herein shall include reference to this certificate by title, date and docket number.

Commissioner Beamish being absent did not participate in the vote on this order.

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

v.

GREY LINE MOTOR TOURS

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COMPLAINT DOCKET No. 13731

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*Bus—War Emergency Order.*

Commission institutes complaint against bus company for operating buses for sight-seeing service in violation of War Emergency Order.

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No Appearances.

BY THE COMMISSION, *July 7, 1942:*

The Pennsylvania Public Utility Commission hereby institutes a complaint upon its own motion against the Grey Line Motor Tours, and complains as follows: The Grey Line Motor Tours on June 25, 1942, and on divers other occasions, operated two buses from the Keith Theatre Building, for sight-seeing service in the City of Philadelphia, in violation of the Commission's War Emergency Order No. MT-1. The War Emergency Order No. MT-1, adopted June 2, 1942, provides inter alia that no person shall engage in sight-seeing service by bus; THEREFORE,

NOW, to wit, July 7, 1942, IT IS ORDERED: That notice and copy of this complaint shall be served upon the Grey Line Motor Tours, respondent, directing it to appear and answer the same in writing within 15 days of service thereof. Thereafter the matter will be assigned for hearing upon due notice of the time and place to said respondent, for determination whether or not penalties or forfeitures as provided by law should be imposed.