

DECISIONS OF

**Pennsylvania Public Utility**

**Commission**

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**VOLUME 25**



HARRISBURG, PENNSYLVANIA

1947

vania Railroad Company for property taken, injured or destroyed by reason of the construction of the crossing improvement in accordance with this order.

15. That the City of New Castle, Lawrence County, pay The Pennsylvania Railroad Company, when and as certified by the Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual cost of materials furnished and work done by the said railroad company in paving the crossing areas in accordance with this order.

16. That, upon completion of the improvement, herein ordered, and its opening to public use, The Pennsylvania Railroad Company, at its sole cost and expense, furnish all materials and do all work necessary thereafter to maintain the roadway paving located between the rails, between the tracks, and for a distance of at least 24 inches on the outside of each outside rail and for the full width of the graded highway at each of the crossings at grade, herein ordered altered.

17. That, upon completion of the improvement, herein ordered, and its opening to public use, Department of Highways, at its sole cost and expense, furnish all materials and do all work necessary thereafter to maintain the portions of the highway approaches to each of the crossings at grade, located between the curb lines.

18. That, upon completion of the improvement, herein ordered, and its opening to public use, the City of New Castle, Lawrence County, at its sole cost and expense, furnish all materials and do all work necessary thereafter to maintain the remainder of the crossing improvement, including the concrete curbs herein required to be constructed by the Department of Highways.

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APPLICATION OF LACKAWANNA AND WYOMING  
VALLEY RAILROAD COMPANY

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APPLICATION DOCKET No. 64215

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*Service—Discontinuance—Railroads—Operating Revenues.*

A railroad company was authorized to discontinue service over a portion of its railway lines where the evidence showed that the company had been operat-

ing such facilities at a loss for four years, the facilities were not suitable for proper service, revenues were insufficient to justify replacements and substitute bus service would be inaugurated concurrently with the abandonment of the railway lines.

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*E. McClain Walters* for Applicant.

*Jerome I. Myers* and *Alexander S. Gorny* for City of Scranton.

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BY THE COMMISSION, *September 24, 1945*:

This matter comes before us upon application of Lackawanna and Wyoming Valley Railroad Company for approval of the discontinuance of all service on its Dunmore Branch extending between termini in the City of Scranton and the Borough of Dunmore, and its Over-the-Hill Branch extending from its junction with the Dunmore Branch to a junction with the main line of applicant in the City of Scranton, all in Lackawanna County.

Lackawanna and Wyoming Valley Railroad Company, known as "The Laurel Line," is a common carrier incorporated in the Commonwealth of Pennsylvania and operates an electric railroad between the Cities of Scranton and Wilkes-Barre and the Borough of Dunmore.

Concurrently at A. 33326, Folders 16 and 3, Am-A, Scranton Transit Company seeks our approval of the inauguration of substitute bus service for certain areas, in lieu of the service proposed to be abandoned by Lackawanna and Wyoming Valley Railroad Company.

At the public hearing in this proceeding, a witness for the applicant, its president and general manager, testified that the line on which service is proposed to be abandoned consists of 4.36 miles of single track. Passenger service is presently operated between 5:44 A. M. and 12:15 A. M. on weekdays with 30- and 60-minute headways, and between 6:25 A. M. and 11:30 P. M. on Sunday with 60-minute headways. The fare is 10 cents cash or 8 cents by strip tickets and no transfers are issued. The witness further stated, in effect, that the service has been provided at an operating loss for a number of years; that the track lacks proper maintenance; that the railroad coaches are old and that revenues do not warrant the expenditures necessary to continue operation.

Applicant's Exhibit No. 4, a detailed statement of the operating

revenues and expenses of the Dunmore Branch operations discloses the following data:

	1941	1942	1943	1944*
Revenue Psgrs. Carried .....	85,380	91,608	98,516	96,600
Passenger Revenue .....	\$8,026.00	\$8,611.00	\$9,231.00	\$9,086.00
Freight Revenue .....	1,031.00	1,543.00	1,624.00	866.00
<b>Total Operating Revenue.....</b>	<b>\$9,057.00</b>	<b>\$10,154.00</b>	<b>\$10,855.00</b>	<b>\$9,952.00</b>
<b>Total Operating Expenses ----</b>	<b>19,251.94</b>	<b>22,373.37</b>	<b>26,486.06</b>	<b>24,574.62</b>
<b>Net Operating Loss .....</b>	<b>\$10,194.94</b>	<b>\$12,219.37</b>	<b>\$15,631.06</b>	<b>\$14,622.62</b>

\* December estimated.

The above indicates an average daily use of the service in 1944 by 265 passengers.

The witness further testified concerning the present and proposed substitute bus service in the territory presently served by the proposed abandonment averring that with the exception of Nay Aug station this service would amply meet the needs of the traveling public. The witness stated that an average of approximately three persons daily used the service at Nay Aug Station and on a certain date only one person used this stop. It was further stated that the freight transported consists mostly of cement which can readily be transported by trucks.

The witness further stated that a portion of the right of way proposed to be abandoned, namely, between Dunmore and the connection with the Over-the-Hill line, is leased from Erie Railroad Company and, upon our approval of the instant application, the franchise rights thereon enjoyed by the applicant will be surrendered. The track proposed to be abandoned will be entirely removed, including that on the leased portion of the right of way, and the disturbed highway surfaces and the highway crossings will be restored.

A protest on behalf of the City of Scranton refers particularly to the ability of Scranton Transit Company to furnish adequate substitute bus service on the proposed Ash Street bus route serving the Dunmore Area and to provide substitute service on its Wintermantle Route to serve the present patrons of Lackawanna and Wyoming Valley Railroad Company using its Maple Street Station. Since the filing of this protest war has terminated and certain restrictions, incident thereto, relating to transportation agencies have been removed. Further, Scranton Transit Company subsequently has filed an application for modification of its East Mountain Bus Route which will serve certain patrons residing in the vicinity of the said Maple Street station.

The record indicates that the applicant has been operating its facilities for a number of years at a substantial loss; that such facilities are not suitable for proper service; and that revenues are insufficient to justify appropriate replacements. It further appears that adequate substitute bus service will be provided for the major portion of the service to be abandoned and the substitute service will be an improvement from the fact that transfer privileges, not presently available, will be provided for transportation to various points served by other routes of Scranton Transit Company and without any increase in fare.

After full consideration of the matters and things involved, and since concurrently we are granting approval at A. 33326, Folder 16 and Folder 3, Am-A, of the inauguration of substitute bus service, we are of the opinion and find that approval of the application of Lackawanna and Wyoming Valley Railroad Company for approval of the discontinuance of all service on the Dunmore Branch extending between the termini in Scranton and Dunmore, and its Over-the-Hill Branch extending from its junction with the Dunmore Branch to a junction with the main line of applicant, all in Lackawanna County, is necessary or proper for the service, accommodation, convenience or safety of the public; **THEREFORE,**

**IT IS ORDERED:** That approval of the abandonment by Lackawanna and Wyoming Railroad Company of its Dunmore and Over-the-Hill railway service, as set forth and fully described in the application, be and is hereby granted and that a certificate of public convenience issue evidencing such approval, subject to the following conditions:

- (a) That the approval herein granted shall become effective only upon the beginning of motor bus service by Scranton Transit Company as authorized at A. 33326, Folder 16 and A. 33326, Folder 3, Am-A.
- (b) That the applicant, at its own cost and expense, remove its facilities from all public highways and crossings at grade, and restore the disturbed surface areas to a condition comparable to that of adjacent paving.
- (c) That the applicant, at its own cost and expense, de-energize or remove all third rail.
- (d) That applicant surrender and relinquish all of its existing franchises, rights and privileges solely applicable to the line to be abandoned.

- (e) That applicant's accounting for the retirement of the portion of its electric railroad system to be abandoned be made pursuant to the provisions of the Uniform System of Accounts prescribed by this Commission.
- (f) That all work herein ordered be completed in a manner satisfactory to this Commission on or before March 31, 1946, and that on or before said date the applicant certify to this Commission the date of abandonment of service and the date of completion of the work herein ordered.

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APPLICATION OF THOMAS G. CHADWICK, TRADING AND  
DOING BUSINESS AS CHADWICK SERVICE

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APPLICATION DOCKET No. 34455, FOLDER 3, AMENDMENT A

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*Petitions—Intervention—Filing—Special Allowance.*

Petitions for leave to intervene in any proceeding may be filed prior to initial presentation of testimony in such proceeding, but not thereafter except upon special allowance by the Commission.

*Procedure—Protests—Filing—Service.*

In motor transportation cases, protests to the granting of an application must be filed in writing and a copy thereof must be served upon the applicant at least five days prior to the hearing.

*Petitions for Intervention (form and content of).*

Petitions for intervention in any proceeding must set forth a statement wherein petitioner's interest is or may be inadequately represented in such proceeding.

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*McNees, Wallace and Nurick* by *Harry H. Frank* and *John W. Lord*  
for Applicant.

*Allen Lesley* for Reading Company and Reading Transportation  
Company.

*Harold S. Shertz and William J. Wilcox* for Protestants.

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BY THE COMMISSION, *September 24, 1945:*

This matter comes before us upon the filing of a petition for leave to intervene and protest on behalf of nineteen (19) carriers who are