

DECISIONS OF

Pennsylvania Public Utility Commission

VOLUME 32



HARRISBURG, PENNSYLVANIA

1956

gheny and submitted of record at the hearing held in this proceeding on January 9, 1952, as applicant's Exhibit No. 2, be and are hereby approved,"

be and is hereby modified to read as follows:

3. That the detail bridge plans consisting of 34 sheets numbered 25505 to 25513, inclusive, 25520 to 25541, inclusive, and 25551, 25552 to 25561, prepared by the County of Allegheny and submitted at the hearing held in this proceeding on January 9, 1952, as applicant's Exhibit No. 2, revised so as to eliminate the pressure concrete protection and the blast protection plates and the additional metal required in the structural steel members to support the increment of weight of said protective devices, be and are hereby approved.

3. That numbered Paragraph 23 on page 29 of our order issued March 23, 1953, in this proceeding, which reads as follows, to wit:

"23. That the Pittsburgh and Lake Erie Railroad Company pay the County of Allegheny, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 50% of the actual cost incurred by the said county in furnishing material and in doing work necessary to install blast protection plates and pressure concrete protection on the superstructure of the span of the new bridge extending over the tracks of the railroad company,"

be and is hereby modified to read as follows:

23. That the Pittsburgh and Lake Erie Railroad Company pay the County of Allegheny, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 50% of the actual cost incurred by said county within the period of five years following the completion of the improvement in furnishing material and in doing work necessary to clean and paint the entire structural steel work of the span of the new bridge extending over the tracks of the railroad company.

4. That, in all respects not inconsistent herewith, our order issued March 23, 1953, and the supplements and amendments thereto remain in full force and effect.

APPLICATION OF DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 79801

Stations—Railroads—Change in Status—Public Convenience and Necessity—Freight.

A railroad company was granted permission to change the status of an agency freight station to that of a nonagency freight station for carload freight only

where it appeared that the diversion of freight to competitive carriers as reflected by statistics provided a clear indication of the lack of necessity for the continuation of the agency status.

Gomer W. Moran for Delaware, Lackawanna and Western Railroad Company.

Henry Greenwald for Willard E. John, et al.

BY THE COMMISSION, *January 18, 1954*:

The Delaware, Lackawanna and Western Railroad Company maintains, on the Bloomsburg Branch of its Scranton Division, an agency freight station at Luzerne, Luzerne County, located 1.8 miles by rail or improved highway northwest of its agency station at Kingston and 3.54 miles by rail or improved highway southwest of its agency station at Wyoming.

In the instant proceeding, The Delaware, Lackawanna and Western Railroad Company seeks our approval of a change in the status of its station at Luzerne from that of an agency freight station to that of a nonagency freight station for carload freight only under the jurisdiction of its agency at Kingston.

Within the 30-day period subsequent to the posting of the required notice of the proposed change in status, protests were filed against the removal of the agency at Luzerne and a hearing was held on May 28, 1953. Two witnesses testified for the railroad company and five protestants testified against our approval of the application.

A witness for the applicant testified that the Borough of Luzerne is mainly a business and industrial community. The Luzerne station serves a territory which has a population of approximately 21,000 persons. Railroad facilities at the station consist of a team track of 7-car capacity, a second team track of 5-car capacity, and a station building. The two team tracks will continue to be maintained if the instant application is approved.

The witness for the railroad company further testified that the agent at Luzerne station is on duty, daily, except Saturdays, Sundays and legal holidays, from 7:30 a. m. to 11:30 a. m., and from 12:30 p. m. to 4:30 p. m. The duties of the agent involve general routine agency work, receiving and forwarding freight shipments, notifying con-

signees by telephone of incoming shipments, collecting freight charges and performing the accounting incidental thereto. The agent does not handle express shipments.

The witness for applicant additionally testified that, if the applicant is approved, only carload shipments will be handled at the Luzerne station; all less-than-carload shipments will be handled at the Kingston station and patrons at Luzerne will be notified of arrival of shipments by the agent at Kingston, either by telephone or by mail. The agent will also order empty cars for outbound carload shipments. There is no telephone toll charge between Luzerne and Kingston but a 10¢ toll charge prevails between Luzerne and Wyoming.

Statements of the number of shipments handled and revenues received in the operation of the Luzerne agency, for the years 1949, 1950, 1951, 1952 and the first three months of 1953, prepared and submitted by applicant, are as follows:

Year	<i>Carload Shipments</i>		<i>Less-than-carload Shipments</i>	
	<i>Inbound</i>	<i>Outbound</i>	<i>Inbound</i>	<i>Outbound</i>
1949	738	31	4,412	1,954
1950	340	28	4,344	1,977
1951	337	36	3,530	1,181
1952	222	20	3,001	973
1953 (3 mos.)	46	1	565	254

Year	<i>Total</i>	<i>Total Revenue</i>	<i>D. L. & W. Revenue</i>
1949	7,135	\$156,549.07	\$49,508.90
1950	6,689	152,930.32	47,364.30
1951	5,084	134,951.82	40,590.43
1952	4,216	142,388.50	36,249.31
1953 (3 mos.)	866	29,817.45	7,211.11

A witness for the railroad company testified that the annual expense of maintaining the agency at Luzerne is approximately \$8,051 and, if the application is approved, that amount would be saved by the railroad company. This witness also testified that the Luzerne area is served by the following highway common carriers: Laurel Line Transportation Company, Trexler Brothers, Eugene F. Lavelle, Ace Delivery Service, Inc., Karn's Transfer, Inc., Akens Moving and Storage, E. J. Brown, Anthony Caruso, Leon Johns, Patrick J. Clune, Mahally Trucking Service, Zeedocks Van Service, United Van Lines, Inc., State Transfer Company, Root's Transfer, Matheson Transfer Company, R. F. Post, Henry Elick, Frantz's Transfer, Alto Trucking Company, Black Diamond Auto Freight, Daley's Blue Line Transfer

Company, Follmer Trucking Company, Fowler and Williams, Inc., Rodgers Motor Lines, Inc., Voyton Brothers Trucking Company and Zearfoss Transfer Company.

Willard E. John, Jr., a protestant, testified he is Vice President and General Manager of Luzerne Lumber Company and that, if the application is approved, the concern would be inconvenienced by having to travel to Kingston in order to obtain possession of less-than-carload shipments and sign bills of lading, which will result in an increase in expenses. On cross-examination, the witness testified that he made only two trips to the Kingston station in the year 1952 but that, on both occasions, highway traffic was heavy with resultant delay and expense, and that owing to congestion at the station further delay was encountered in unloading the railroad car. In 1952, the witness made four trips to the Luzerne station in order to receive less-than-carload shipments.

Myer Greenwald, a dealer in furniture and housewares, testified to similar delays and increased expense in connection with the use of the Kingston station. This witness further testified that, if the application is approved, he would divert his business to either the Lehigh Valley Railroad or to highway trucks in order to maintain his present level of transportation expenses. Under cross-examination, this witness testified that his place of business is about two miles from the Kingston station and about five blocks or half a mile from the Luzerne station.

Newell Schooley, a manufacturer of dog food, testified that he uses applicant's railroad only for outbound less-than-carload shipments; that the number of shipments has decreased in recent years because of higher freight rates. The witness is now using truck service for local hauls.

William Oncay, owner of a variety store, a protestant, testified that he uses applicant's rail service only for inbound shipments and that, if the application is approved, his expenses would increase on account of the increase in mileage to the Kingston station. On cross-examination, this witness testified that he received 124 shipments during the year 1952, but that he made no more than 12 trips to receive these shipments.

William Simon, a dealer in piece goods and nursery furniture, a protestant, testified that he received approximately 75 freight ship-

Company, Follmer Trucking Company, Fowler and Williams, Inc., Rodgers Motor Lines, Inc., Voyton Brothers Trucking Company and Zearfoss Transfer Company.

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William Simon, a dealer in piece goods and nursery furniture, a protestant, testified that he received approximately 75 freight ship-

ments a year and that he made about 60 trips to the Luzerne station during the year 1952. He will be inconvenienced and his expenses will increase if it is necessary to use the Kingston station.

Taking into consideration the fact that Luzerne station is located but 1.8 miles from the Kingston station where agency freight service will be transacted if the application is approved, we are of opinion that no railroad patron will be unreasonably inconvenienced by the removal of the agent from Luzerne station. Carload shipments at Luzerne have decreased from 769 for 1949 to 242 for 1952, and less-than-carload shipments from 6,366 for 1949 to 3,974 in 1952, with similar decreases in revenue. The diversion of freight to competitive carriers as reflected by these statistics provides a clear indication of the lack of necessity for the continuation of the agency status of Luzerne station.

Upon full consideration of the matters and things involved, we find and determine that the change in status of The Delaware, Lackawanna and Western Railroad Company's station at Luzerne, Luzerne County, from that of an agency freight station to that of a nonagency freight station for carload freight only, is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the instant application be and is hereby approved.
2. That a certificate of public convenience issue, evidencing our approval of the change in the status of the station of The Delaware, Lackawanna and Western Railroad Company at Luzerne, Luzerne County, from that of an agency freight station to that of a nonagency freight station for carload freight only, subject to the following conditions:
 - (a) That The Delaware, Lackawanna and Western Railroad Company, before effectuating the changes authorized herein, furnish 15 days' written notice to this Commission and to the public; such notice to the public to be posted at the Luzerne station, at the Kingston station and at the Wyoming station of the railroad company.
 - (b) That The Delaware, Lackawanna and Western Railroad Company, when making any tariff revisions required in connection with the changes authorized herein, shall include reference by title, date and docket number to the certificate of public convenience to issue in this proceeding.