

DECISIONS OF

Pennsylvania Public Utility Commission

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1958

APPLICATION OF DELAWARE, LACKAWANNA
AND WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 81594

Stations — Abandonment of Service — Railroad Company — Passenger and Freight Stations.

Refusing to permit a railroad company to change an agency passenger and freight station to that of a nonagency carload only freight station, the Commission stated that the requirement of reasonable alternate or substitute passenger service was best satisfied by a motor bus operation providing a stop three miles distant from the present railway passenger station and the proposed change did not offer patrons a reasonable substitute for the existing freight service.

Gomez W. Morgan for Delaware, Lackawanna and Western Railroad Company.

Louis B. Nielsen, Jr., for Protestants.

BY THE COMMISSION, *May 23, 1955*:

The Delaware, Lackawanna and Western Railroad Company maintains on the main line of its Scranton Division, an agency passenger and freight station at Gouldsboro, Lehigh Township, Wayne County. This station is situated 5.26 miles by rail or about 6 miles by improved highway east of its agency station at Tobyhanna and 7.6 miles by rail or approximately 10 miles by improved highway west of its agency station at Moscow.

In the instant proceeding, The Delaware, Lackawanna and Western Railroad Company seeks Commission approval of a change in the status of its station at Gouldsboro from that of an agency passenger and freight station to that of a non-agency freight station for carload freight only. If this application is approved the applicant's agent at Tobyhanna station will have jurisdiction over the area now served through Gouldsboro station.

Protests against granting the application were received from The Order of Railroad Telegraphers, four industries located in the Gouldsboro area, and from the Supervisors of Lehigh Township. Two

petitions of protest, signed by 83 individuals and business firms, were filed at the hearing.

A public hearing was held at Honesdale on January 14, 1955. Three witnesses testified for applicant and submitted three exhibits. Twenty-two witnesses (seventeen as a group) testified for protestants. Applicant and protestants filed their briefs on February 26, 1955, and March 11, 1955, respectively.

A witness for the applicant testified that the population of Gouldsboro is approximately 415 persons and for the surrounding area, including Angels, Greentown, Newfoundland and Thornhurst is about 1,100 persons. The toll charge for telephone service between Gouldsboro and Tobyhanna is 22¢, but there is no charge for service between Gouldsboro and Moscow.

The following railroad facilities are available at Gouldsboro station: A station building; a public delivery track 500 feet in length having a capacity of 10 cars; a team track 150 feet long with a capacity of three cars and a sidetrack on which three industries are served. If this application is approved the public delivery track and the team track will be retained. Retention of the sidetrack will be contingent upon the requirements of the industries which use this track.

The business firms and industries located within the station area are as follows: Kessler Homeward Corporation, Jerome Gropper Company, Bender Feed Company, Woltzen Lumber Company, Quarry Fur Farm, Cooper Smith Company and Kronick Lumber Company. Three of the foregoing enumerated firms are on the applicant's authorized credit list. Two churches, a grade school, and a number of summer resorts are located in the Gouldsboro area.

Freight train service, for carload freight, consists of one local freight train east and one west, daily, except Sundays. Inbound cars are placed on the public delivery tracks except those consigned to Bender Feed Company. The latter cars are placed upon that firm's private siding.

Less-than-carload freight shipments are transported by Land Trucking Company to and from applicant's Scranton freight house on Tuesdays and Fridays of each week. Applicant performs no pickup and delivery service in the Gouldsboro area.

A motor truck line, operating one trip from Scranton to Stroudsburg and return, daily, except Sundays, serves Gouldsboro.

Carload shipments from January 1, 1951, to September 30, 1954, were:

	<i>Inbound</i>	<i>Outbound</i>	<i>Total</i>
Year 1951	114	166	280
Year 1952	131	164	295
Year 1953	98	121	219
9 mos. 1954	31	3	34

Less-than-carload shipments, inbound and outbound combined, decreased from an average of 63 per month in 1951 to an average of 44 per month during the first nine months of 1954.

Freight revenues, less connecting line charges, decreased from a monthly average of \$2,537 in 1951 to \$1,400 experienced during the first 10 months of 1954.

Passenger train service at Gouldsboro consists of the following:

Eastbound

- No. 26 (7:48 a.m.)... Daily, except Sundays and holidays.
Stops for New York and Newark
passengers only
- No. 2 (11:40 a.m.)... Daily, except Sundays and holidays.
- No. 4 (10:34 a.m.)... Sundays and holidays only.
- No. 46 (7:33 p.m.).... Sundays and holidays only.

Westbound

- No. 47 (11:02 a.m.)... Daily, except Sundays and holidays.
- No. 11 (6:44 p.m.).... Daily, except Saturdays, Sundays
and holidays.
- No. 25 (7:46 p.m.).... Saturdays only.

The passenger traffic has decreased from 713 in 1952 to 537 in 1953, and to 376 for the first 10 months of 1954. This latter figure averages 38 passengers per month or less than two per day. The daily average revenue for all passenger traffic during the first 10 months of 1954 was only \$1.43.

The only other passenger transportation service available in this area is a motorbus service operating four eastbound and four westbound trips, daily, on Route 611, and stopping at Ells Corners, three miles from the village of Gouldsboro.

The annual cost of maintaining Gouldsboro station, according to the applicant's witness, aggregates \$4,724, which includes, in addition to the agent's salary of \$4,337, lighting, heat and maintenance of the station building amounting to \$387.

A witness for the protestants, the owner of a mink farm, testified that his shipments are limited to less-than-carload freight service. He stated that his firm is located about two miles from the Gouldsboro station and that the proposed change in the status of this station would cause him inconvenience through his being required to travel to the applicant's Tobyhanna station. This would result in an increased cost of operation to him because of the 10 additional miles of travel required and he claimed that it will be necessary for him to employ an additional operator on the firm's truck. He also stated that he would be required to operate over a poorly maintained highway having an irregular surface and many curves. This protestant's shipments consist of both live and dressed minks and care must be exercised in the transportation and the manner in which the live minks are handled. It was developed through cross-examination of this witness that his shipments averaged about six a month and that two routes are available to the Tobyhanna station, both of which are improved highways and admitted by him to be in excellent condition.

Another witness for the protestants, the owner and operator of a coeducational farm camp, testified that the camp is located about 0.8 of a mile from the Gouldsboro station. This farm camp has a staff of about 38 persons and approximately 88 visiting children during the camp season. The owners of this farm are residents of this area about nine months each year and the operation of the camp is limited to the months of July and August. The guests are transported to Gouldsboro in applicant's passenger trains. The objections of this witness relate to the inconvenience and cost of transporting camp guests from Tobyhanna station, since that would necessitate traveling additional mileage between Tobyhanna and the farm when visitors arrive or depart.

Another witness for the protestants, an executive of Industrial Transformer Corporation, testified that about 75 persons are employed by this firm, and that the traffic of this firm relates to less-than-carload freight shipments. This witness also testified concerning that inconvenience would be experienced by the added distance to Tobyhanna.

The traffic manager of Industrial Transformer Corporation testified that their freight charges on less-than-carload shipments were \$269.21 outbound and \$185.69 inbound for the year 1953 and \$127.58 outbound and \$189.48 inbound for the year 1954. This witness also testified that a depot of the U. S. Government is being established at Tobyhanna at which it is believed hundreds of employees will be engaged, although

this is an estimate and the ultimate effect on the Gouldsboro area is problematical.

The owner and operator of a local lumber concern, who is also a supervisor of Lehigh Township, testified that the principal commodity of his firm is pulpwood, which is shipped from Gouldsboro to Lock Haven. He stated that there is no form of transportation for either passengers or freight available in the Gouldsboro area, other than the applicant's railroad, and it was developed that this condition applies to an area within a 3-mile radius of the Gouldsboro station. This witness claimed that his firm had made two carload shipments in the year 1953 and four in the year 1954 from the Gouldsboro station. Applicant's traffic analysis does not show any carload shipments in 1954, by this witness' company. Since there is no bank in the Village of Gouldsboro he uses the facilities of the bank at Moscow.

Seventeen witnesses testified as a group to the effect that they were in agreement with certain testimony of the preceding protesting witnesses.

We have carefully considered the entire record in this proceeding and it is our opinion that the facts presented therein do not warrant the proposed change in status to a non-agency station for carload freight only. The requirement of reasonable alternate or substitute passenger service is not satisfied by a motorbus operation providing a stop three miles distant from the present railway passenger station. While applicant's carload and less-than-carload freight business is declining, the fact remains that a substantial number of people do use applicant's facilities and the proposed change does not offer them a reasonable substitute for the present freight service.

Upon full consideration of the matters and things involved, we find and determine that a change in the status of the Gouldsboro station of The Delaware, Lackawanna and Western Railroad Company from that of an agency passenger and freight station to that of a non-agency carload only freight station is not necessary for the service, accommodation, convenience or safety of the public; **THEREFORE,**

IT IS ORDERED: That approval of the application at A. 81594 be and hereby is denied.

Commissioner Houck voted in the negative.