

DECISIONS OF

# Pennsylvania Public Utility Commission

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VOLUME 36



HARRISBURG, PENNSYLVANIA

1960

5. That the ordinance-agreement of the Township of Exeter granting to Scranton-Spring Brook Water Service Company permission to construct, maintain, and operate conduits, ducts, mains, pipes, lines, manholes, and appurtenant facilities on, under, over, through, across, and along the streets, roads, lanes, alleys, highways, and other public places for the purpose of furnishing gas for heat, light, fuel, and power to the public in the Township of Exeter, Luzerne County, at P.U.M.C. 3682, be and is hereby approved; and that the proceeding instituted on the ordinance-agreement of the Township of Exeter and Pittston Gas Company at P.U.M.C. 3732 be and is hereby terminated.

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APPLICATION OF  
DELAWARE, LACKAWANNA AND WESTERN RAILROAD

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APPLICATION DOCKET No. 84599

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*Stations—Abandonment of Service—Railroad Company—Telephone Call Costs (absorption of).*

A railroad company was permitted to remove an agent from one of its stations but refused to permit the company to abandon passenger train service at the station where it was not shown that the abandonment of passenger train service would result in realistic savings to the applicant; the company was directed to absorb the cost of business toll calls from the area being served by the station.

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*Warren, Hill, Henkelman and McMenamin by Richard H. Warren and Joseph C. Kreder for Delaware, Lackawanna and Western Railroad Company.*

*Louis B. Nielsen, Jr. and Roger A. Woltjen for Protestants.*

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BY THE COMMISSION, August 25, 1958:

In the present proceedings, 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 nonagency station which would be limited to the handling of carload freight.

Within the 30-day period immediately following the date of posting the notice, describing the proposed station change, protests were filed with the Commission through four petitions containing more than 200 signatures, a telegram, and several letters.

Hearings were held at Scranton, November 8, 1957 and January 13, 1958 at which two witnesses testified on behalf of the railroad company, and five individual witnesses and 31 cumulative witnesses testified on behalf of protestants.

The applicant's two witnesses testified that Gouldsboro station is located on the main line of the applicant's Scranton-Buffalo Division in Lehigh Township, Wayne County, 5.26 miles by rail or about six miles by improved highway, northwest of the applicant's agency station at Tobyhanna and 7.6 miles by rail or approximately 10 miles by improved highway southeast of its agency station at Moscow.

A toll of 22 cents is required for telephone service between Gouldsboro and Tobyhanna, but no toll is necessary between Gouldsboro and Moscow.

The population of the area served through Gouldsboro station is approximately 1,550 persons.

Railroad facilities, at or adjacent to Gouldsboro station, consist of a frame station building and two public delivery tracks having respective capacities of 4 cars and 14 cars. The applicant proposes to dispose of the station structure but will retain the two tracks to provide for the handling of carload freight, if this application is approved.

In the vicinity of the station there are a grocery store, a drug store, a grade school, a lumber firm, a mink farm, a church, and the plant of The Transformer Manufacturing Company.

Passenger train service is provided at Gouldsboro through two trains in each direction stopping at the station daily, supplemented by an eastbound train stopping Sunday nights and two trains westbound stopping daily, plus trains stopping Saturday and Sunday nights. Additional passenger service is provided by Frank Martz Coach Company operating between Scranton and Philadelphia and New York. Passengers may board busses at Ellis Corners, which is about three miles distant from Gouldsboro.



Baggage handled at Gouldsboro station, limited to the vacation period or during the summer months, consisted of 42 pieces during the year 1955, 37 in 1956, and 74 in 1957.

Freight train service is furnished by the applicant at the station through local freight trains, one in each direction, Mondays through Fridays. This service will be continued whether or not this application is approved. Motor freight service is provided by Black Diamond Express, furnishing a pickup and delivery service for both interstate and intrastate shipments, Mondays through Fridays, and several other motor carriers possess the right to serve Gouldsboro.

Less-than-carload freight is transported to and from Gouldsboro station by motor trucks operating to and from Scranton. If the application is approved, future shipments will be handled at the applicant's Tobyhanna agency station.

The agent is on duty at Gouldsboro station from 7:00 a.m. to 3:30 p.m., with an intervening lunch period of one hour, Mondays through Fridays, holidays excepted. He performs the customary agency duties; that is, sale of passenger train tickets, receipt and delivery of freight, preparation of waybills, and other routine station work.

The present annual cost of operating and maintaining Gouldsboro station is \$4,932.28 and it is anticipated that this amount will be increased because of a recent increase in the agent's salary. A saving of substantially the aforesaid amount could be effected if this application were approved.

It was developed during the cross-examination of applicant's witness, that his testimony relating to the population of the area served through Gouldsboro station of 1,550 persons was an understatement because of the omission from consideration of municipalities which are served through Gouldsboro station; the omitted population was not specified as to the number of persons.

The applicant submitted statistics, received as exhibits at this hearing, which are summarized as follows:

REVENUE DERIVED FROM FREIGHT APPLYING TO L-C-L AND  
CARLOAD FREIGHT AT GOULDSBORO STATION

<i>Year</i>	<i>D L &amp; W Revenue</i>	<i>Total Revenue</i>
1954 .....	\$6,945.37	\$18,094.01
1955 .....	6,296.54	13,950.34
1956 .....	3,594.05	8,819.38
1957 (6 months) .....	2,487.76	9,087.27

STATEMENT OF THE NUMBER OF PASSENGER TICKETS SOLD AND  
THE REVENUE ACCRUED THEREFROM AT GOULDSBORO STATION

<i>Year</i>	<i>Number of Tickets</i>	<i>Revenue</i>
1954 .....	325	446.66
1955 .....	247	409.17
1956 .....	376	656.84
1957 .....	480	744.87

The average of passenger train tickets sold is about 1½ per working day.

A witness for the protestants, the former President of Bucknell University, who is at present the Executive Vice-President of The Samuel H. Kress Foundation, an institution in the process of establishing 20 regional art galleries throughout the country, testified that paintings evaluated in excess of \$10,000,000 are stored at Angels, near Gouldsboro, awaiting shipment. They are received from various parts of the world and after restoration are prepared for shipment at Angels. This witness, during cross-examination, stated that his institution received one inbound shipment during the first 10 months of the year 1957 and that most of the shipments are transported by express, whereas others are handled through motor freight service and still others are transported by the institution's motor truck.

A witness for the protestants, a retired resident of Gouldsboro, testified concerning the condition of the road between Gouldsboro and Tobyhanna which patrons would be required to traverse if this application were approved.

Thirty-one witnesses, on behalf of the protestants, testified cumulatively that they are in agreement with the testimony of the retired resident of Gouldsboro which related to the condition of the road between Tobyhanna and Newfoundland, and that their testimony would have been substantionally the same if they were asked the same questions.

A witness in behalf of the protestants, an employee of the applicant and at present the agent-operator at Gouldsboro station and Assistant Local Chairman of The Order of Railroad Telegraphers, testified that he performs regular agency services for the applicant, handles Western Union Telegrams, receives and forwards United States mail, and also serves as agent for inbound and outbound express shipments. He stated that the highway between Gouldsboro and Newfoundland is in poor condition with a consequent loss in patrons using the applicant's facilities at Gouldsboro station. This road is under construction at present, being realigned and repaved, and it is the belief of this



witness when this construction is completed a definite increase of business will accrue to the applicant at the Gouldsboro station. The witness further testified that 40 new homes have been constructed in the Gouldsboro station area since the year 1954 and an industry, The Industrial Transformer Corporation, which is located about 1,200 feet from the Gouldsboro station, started operation with a personnel of 30 employees and as of the date of hearing it employed 152 persons. This witness admitted that traffic originating from this transformer company, excepting for Government shipments in October and November 1957, amounted to one less-than-carload shipment for the year 1957 and he stated that virtually all shipments received by this corporation were transported by motor trucks.

Another witness on behalf of the protestants, a partner of a national automobile supply company, located in Newfoundland nine miles distant from Gouldsboro, testified that his firm has received L-C-L shipments by both railroad and express. This witness also testified concerning the unsatisfactory condition of the road or highway between Newfoundland and Gouldsboro. It is necessary for this firm to make several trips each year for L-C-L shipments and the additional mileage which would be required if this application were approved; that is, about four miles would constitute an inconvenience to the firm. The proposed change in the status of this station would also have an adverse affect on the present efforts of the Bi-County Industrial Group, 23 organizations or about 1,700 persons residing in Wayne and Pike counties to attract industries to the bi-county area. The seasonable business, that is transient, is four times greater than the normal business from the permanent residents.

The record shows that the shipments of this automobile supply company and those consigned to the local school are picked up once each week, usually on Fridays. During the first 10 months of the year 1957, 10 shipments were received at Gouldsboro station, i.e., seven for this firm and three for the local school.

A partner of a contracting and retail lumber company, testified on behalf of the protestants. He stated that competitors of his firm have a service which is similar to that which is presently provided at Gouldsboro station; that is, an agency station service and that his firm would be at a disadvantage if the agent were withdrawn. His firm received 26 carload shipments during the year 1956 and 27 during 1957, consisting of cement and lumber; the latter commodity originating on the Pacific Coast. This witness dwelt on the poor condition of the highway between Newfoundland and Gouldsboro and



he also stated that the unloading facilities at Tobyhanna station are inferior to those at Gouldsboro station.

With one exception each witness in this proceeding testified concerning the poor condition of the highway between Gouldsboro and Tobyhanna, a route which it would be necessary to traverse if this station change were effected.

The only witness in this proceeding affording the applicant any substantial revenue derived from carload shipments, stated that he would not be unduly inconvenienced if there were no change in the present carload freight service since less-than-carload shipments of his firm are negligible.

The 31 witnesses who testified cumulatively are not patrons of the applicant and shipments of the Kress Foundation do not add substantially to the applicant's revenues.

At the hearing of January 18, 1958, applicant's superintendent testified that if the Commission is of opinion that passenger train service should be furnished on a nonagency basis at Gouldsboro station that it would be willing to continue the present passenger train service. Under such conditions passengers would be required to purchase tickets on the train without penalty or at the applicant's other agency stations.

The record in this proceeding clearly shows that but one of the numerous protestants in the proceeding makes any real use of the carrier's facilities and that this receiver of carload freight will not be inconvenienced substantially by the removal of the agent. The record further shows that the cost of maintaining the agency absorbs far more than a reasonable proportion of the revenue attributable to the station, leaving little available to absorb the cost of transportation, the major function of the carrier. The record makes no showing that the abandonment of passenger train service will result in any realistic savings to the applicant and we will deny approval of that phase of the application. Nor does the record disclose any reason why applicant, in abandoning the agency service at Gouldsboro, should not absorb the cost of business toll calls from the area now served by the Gouldsboro station and in approving the removal of the agent at Gouldsboro we shall so provide.

Upon full consideration of the matters and things involved, we find and determine that the proposed removal of the agent at The Delaware, Lackawanna and Western Railroad Company at Gouldsboro in Lehigh Township, Wayne County, 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 to the extent indicated and in all other respects approval is denied.

2. That a certificate of public convenience issue evidencing our approval of the change of the station of The Delaware, Lackawanna and Western Railroad Company at Gouldsboro in Lehigh Township, Wayne County, from that of an agency passenger and freight station to that of a nonagency passenger station and 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 Tobyhanna station, at the Moscow station, and at the Gouldsboro 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.
- (c) That The Delaware, Lackawanna and Western Railroad Company absorb at its Tobyhanna station the cost of business telephone calls from the area served by the Gouldsboro station.

The Chairman and Commissioner Sharfsin voted in the negative.

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CO-OPERATIVE LEGISLATIVE COMMITTEE, RAILROAD  
BROTHERHOODS IN THE STATE OF PENNSYLVANIA  
AND E. H. JOHNS

v.

PENNSYLVANIA RAILROAD COMPANY

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COMPLAINT DOCKET No. 16853

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*Railroad Yards—Public Safety—Safety of Employees—Track Clearances—Yard Lighting.*

A railroad company was directed to illuminate one of its yards and to improve and expedite its programmed level of maintenance of the yard, giving considera-