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1962

APPLICATION OF DELAWARE AND HUDSON RAILROAD
CORPORATION

APPLICATION DOCKET No. 87538

Abandonment of Service—Stations—Public Convenience and Necessity—Railroad Companies.

A railroad company's request for permission to change the agency status of one of its stations was denied where the proposed savings, by the elimination of the agent, appeared slight when compared to the inconvenience resulting from the loss of the personal services of a full time local agent, the resultant handling of freight business transactions through an agent at a round trip distance of 16 miles, and the inconvenience and expense to which numerous less-than-carload patrons would be subjected by traveling unreasonable distance to another freight agency.

Paul Bedford, S. Keene Mitchell, Jr. and Raymond H. Carr for Delaware and Hudson Railroad Corporation.

William Dempsey for Greater Pittston Chamber of Commerce.

BY THE COMMISSION, *December 11, 1961:*

This matter is before the Commission upon application of The Delaware and Hudson Railroad Corporation for our approval of a change in the status of its station in the Borough of Avoca, Luzerne County, from that of an agency freight station to that of a nonagency carload only freight station. Fifteen business concerns and the Greater Pittston Chamber of Commerce, which encompasses the area herein involved, filed protests against Commission approval of the instant application.

At the public hearing held in Wilkes-Barre on October 27, 1960, in the instant proceeding, applicant presented five witnesses and submitted 15 exhibits. One witness, who represented the Greater Pittston Chamber of Commerce, was heard in protest. Briefs were filed by applicant and by protestant.

Avoca station is located on the railroad's Pennsylvania Susquehanna Division, 9.1 miles by rail or 8 miles by improved highway south of applicant's Scranton agency station, which would have jurisdiction of freight handled at Avoca in event of approval of this application, and 10.2 miles by rail or 11 miles by improved highway north of its Wilkes-Barre agency station. The area served by the Avoca agency also includes Pittston and Moosic which jointly have an approximate population (1959) of 23,000 persons. Duryea, Old Forge, and Pittston Township (population not given) are located in the general area. Numerous business concerns, several banks, churches, and schools are located in the area.

The railroad facilities at Avoca consist of a freight station, office building, a public delivery track, and three leased private siding tracks. The station agent is on duty from 7 a. m. to 4 p. m., Mondays through Fridays. The agent also has jurisdiction of the Pittston and Moosic nonagency stations, which handle only carload freight. His duties, among other things, include receiving phone calls, furnishing information pertaining to handling of freight shipments, ordering, spotting and sealing freight cars, and handling less-than-carload shipments. He also prepares daily and monthly reports, waybills and freight bills, and notifies consignees of arrival of freight. In addition, he handles claims and performs paper work relating to interchange shipments between other railroads. One local freight train operates daily, except Sundays, in each direction. There is no local pickup or delivery of less-than-carload freight, but such freight is handled directly at the station building.

The railroad company proposes, upon approval of the application, to discontinue its Avoca agency and discard the station and freight house buildings. The agent at Scranton would have jurisdiction over its Avoca, Pittston, and Moosic stations. Carload freight shipments would be placed as at present on the public delivery or private siding tracks by the freight crew. The agent at Scranton would notify patrons at Avoca of carload arrivals and arrange for the placement of empty cars for outbound loading. The handling of less-than-carload shipments would be discontinued at Avoca, except when tonnage permits the use of ferry cars, L.C.L. shipments for Dean Philip Stores, Inc., would be handled at the Wilkes-Barre agency. Other L.C.L. shipments would have to be picked up and/or forwarded via the Scranton station or some other agency station convenient to the patron.

Business transactions with the Scranton agency allegedly could be handled by U. S. mail or by telephone without additional toll charge for telephone calls.

Testimony indicates that other railroads and 21 common carriers of property by motor vehicle now operate through the territory served by the Avoca agency. However, it is not clear as to the number of motor carriers which provide comparable L.C.L. service or serve between points within Pennsylvania.

A recapitulation of applicant's exhibits showing the results of its freight operations at Avoca station, follows:

Year	CARLOAD			LESS CARLOAD				Total Gross Revenue	
	Number		Total Revenue	Number		Total Revenue			
	In	Out			In	Out	Total	Revenue	
1957	134	17	151	\$7,670	929	87	1,016	\$2,495	\$10,165
1958	122	11	133	6,298	633	79	712	2,123	8,421
1959	115	18	133	6,240	526	106	632	2,336	8,576
1960	42	20	62	2,596	184	34	218	567	3,163

(6 months)

NOTE: Applicant's witness admitted that several strikes "seriously" reduced the number of shipments.

A recapitulation of applicant's exhibits purporting to show the expenses of maintaining the agency at Avoca station, follows:

1957	\$6,220
1958	6,584
1959	6,669
1960*	3,384

* 6-month period.

A protestant, the executive vice president of the Greater Pittston Chamber of Commerce, located in an area served and involved in the instant proceeding testified, among other things, that the population of the Greater Pittston area is about 52,000 people and concerning the Chamber's efforts to rehabilitate the area industrially. The witness further testified that during the past few years the Chamber of Commerce has built or acquired 14 buildings for new industries at a cost in excess of \$4,000,000; that it is finishing a 3,000 square foot plant in Duryea and that approximately 200 acres are available for additional industrial building, all within a radius of three miles of the Avoca station. The witness further testified that the elimination of applicant's freight agency would adversely affect the freight needs of present and future industries and cause added inconvenience

due to additional travel time to applicant's Scranton or Wilkes-Barre agencies for less-than-carload shipments. The witness further testified that it is the position of the Chamber of Commerce that it would be detrimental to its industrial rehabilitation efforts if this agency were removed. Under cross-examination the witness admitted that truck and air line competition has adversely affected applicant's lesser-than-carload business.

The agent presently has jurisdiction over three freight stations, namely, Avoca, Pittston, and Moosic. The communities of Duryea, Old Forge, and Pittston are located in the general area. The proposed savings, by the elimination of the agent, appear slight when compared to the inconvenience resulting from the loss of the personal services of a full time agent, and the resultant handling of freight business transactions through an agent at a round trip distance of 16 miles. In addition, and the applicant has admitted this, that numerous less-than-carload patrons, presently using the Avoca station, where shipments are handled directly by the agent, would be subject to the inconvenience and expense of traveling unreasonable distances to another freight agency to handle their shipments. The record further discloses that the applicant has closed approximately 20 freight stations between Wilkes-Barre and Carbondale (an approximate distance of 35 miles) "during the past five to ten year" period.

Accordingly, after full consideration of the matters and things herein involved, we find and determine that our approval of the instant application is neither necessary nor proper for the service, accommodation, convenience, or safety of the public; **THEREFORE,**

IT IS ORDERED: That approval of the prayer of the application of The Delaware and Hudson Railroad Corporation docketed at A. 87536, seeking a change in the status of its station in the Borough of Avoca from that of an agency freight station to that of a nonagency carload only freight station, be and is hereby denied.

**APPLICATION OF DEPARTMENT OF HIGHWAYS
OF THE COMMONWEALTH OF PENNSYLVANIA**