

DECISIONS OF

# Pennsylvania Public Utility Commission

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**VOLUME 42**



HARRISBURG, PENNSYLVANIA

1967

APPLICATION OF ERIE-LACKAWANNA RAILROAD  
COMPANY

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APPLICATION DOCKET No. 91495

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*Service Discontinuance—Railroad Companies—Stations—Agency Status—Burden Upon Public—Substitute Motor Carrier Service Considered.*

Permission is denied to a railroad company to change the agency freight status of one of its stations to that of a nonagency carload only freight station where it appeared that the company's proposal to place the agency under the jurisdiction of a station in a distant city would place an undue burden of travel on patrons desiring to use less than carload services, the railroad was the only rail carrier servicing the immediate area, and existing motor carriers could not service the area adequately.

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*Warren, Hill, Henkelman & McMenamain by Cody H. Brooks for Erie-Lackawanna Company.*

*James M. Hawley for Cook's GIF Service, et al.*

*Brandon, Shearer & Flaherty by Paul S. Foreman for W. J. & I. Cobb, et al.*

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BY THE COMMISSION, *April 12, 1965:*

This matter is before the Commission upon application of Erie-Lackawanna Railroad Company for approval of a change in the status of its Lake Ariel station located in Lake Township, Wayne County, from that of an agency freight station to that of a nonagency carload only freight station.

Protests were filed against our approval of the application and, at the public hearing held at Honesdale on December 4, 1964, one witness testified on behalf of the applicant and eight witnesses appeared in protest. Applicant submitted three exhibits into the record. Briefs were filed.

Lake Ariel is located on applicant's Scranton Division about 13 miles by improved highway southwest of its agency station at Honesdale, and 23 miles by improved highway east of its agency station at Scranton. Lake Ariel is the governing station for the nonagency stations located at Saco, Wimmers, Gravity, and Maplewood. The agent is in attendance daily between 8 a. m. and 5 p. m., except Saturdays, Sundays, and holidays.

The agent's duties consist of notifying patrons of shipment arrivals, preparing freight bills, keeping demurrage records, inspecting damage claims, making periodic yard checks of nonagency stations under his jurisdiction, and various other duties connected with the operations of an agency freight station.

Carload freight is presently handled by one local freight train operated three days per week. Less-than-carload shipments intrastate are handled without weight restriction, while the interstate shipments must be 8,000 pounds minimum.

A recapitulation of applicant's exhibits, showing freight operations and revenues derived at Lake Ariel, follows:

## LAKE ARIEL ONLY

Year	Carload			L-C-L		Gross Revenue
	In	Out	Revenue	Shipments	Revenue	
1961 .....	180	3	\$13,420	141	\$935	\$14,355
1962 .....	187	4	11,837	77	792	12,629
1963 .....	203	2	14,379	25	219	14,598
1964 .....	142	3	11,588	0	0	11,588
(10 mos.)						

Revenues and freight operations for the four nonagency stations under the jurisdiction of Lake Ariel agency are as follows:

Year	Carload	L-C-L	Revenue
1961 .....	405	None	\$21,332
1962 .....	407	.....	25,784
1963 .....	393	.....	30,232
1964 .....	266	.....	18,154
(10 mos.)			

The station expenses at Lake Ariel and its four nonagency stations, including out-of-pocket expenses, but excluding transportation and supervision costs, are summarized as follows:

Period	Wage & Fringe Benefits	Maintenance, Heat, Light, Phone, etc.	Total
Average Year .....	\$6,611	\$501	\$7,112

If this application is approved, Lake Ariel and its four satellite stations would be placed under the jurisdiction of the agency station at Scranton, located 23 miles by improved highway to the west of Lake Ariel.

No change in the frequency of carload freight traffic is involved in the instant application. However, the billing, notification of shipment arrivals, and inspection of damage claims would be conducted from the applicant's agency station at Scranton and notification of damaged shipments would have to be made elsewhere than the local agency.

The station building would be retired from railroad service and intrastate less-than-carload shipments would be discontinued at the Lake Ariel station. Persons wishing to avail themselves of such services would have to do so by traveling to the Scranton agency. Interstate less-than-carload freight service at Lake Ariel was discontinued February 1, 1964.

Applicant's witness testified in connection with the particular exhibits prepared by him or members of his staff and stated that the elimination of the personal services of the agent would cause no inconvenience to the shippers in the Lake Ariel area.

Testimony of the protestants (users and nonusers) was confined to the possible adverse effect that removal of the personal services of the agent might have on their particular shipping procedures and on the growth of the community.

Close examination of the record reveals that there has been no appreciable change at this station since we last considered this matter in December, 1963 and denied a similar application of the carrier. Applicant's proposal now to place the Lake Ariel agency under the jurisdiction of Scranton would place an undue burden of travel (46 miles round trip) on patrons desiring to use railroad l-c-l services. Consideration must also be given to the fact that applicant's railroad is the only rail carrier servicing the immediate area and, although the applicant alleges that there are adequate motor carriers servicing the area, we are not convinced that they can adequately and conveniently serve the particular needs of the shippers. On the contrary, we are of the opinion that the removal of this agent would result in unreasonable inconvenience and hardship to the public.

Accordingly, after full consideration of the matters and things involved, we find and determine that approval of the instant applica-

tion 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 Erie-Lackawanna Railroad Company, docketed at A. 91495, seeking a change in the status of its station at Lake Ariel, Lake Township, Wayne County, from that of an agency freight station to that of a nonagency carload only freight station, be and is hereby denied.

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## APPLICATION OF PITTSBURGH RAILWAYS COMPANY

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APPLICATION DOCKET No. 86350

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*Crossing Improvement Costs—Railroad-Highway Crossings—Roadway Width—Bridges and Viaducts—Future Traffic Considered—Width of Street Approach Considered.*

The Commission believed that sound and adequate planning for future traffic needs as well as the present safety and convenience of the public required, in this era of highway traffic expansion, the construction of a 36-foot roadway on a proposed new rail-highway bridge rather than a 28-foot roadway bridge with a normal life expectancy of 60 to 75 years to carry any estimated volume of traffic of 5,500 to 7,400 vehicles per day in 1980 on the grounds that construction of the latter bridge, with a roadway width less than now provided on the existing street approaches, would be poor planning, inconsistent with sound engineering principles and, in the future, would result in an unnecessary waste of public funds.

*Crossing Improvement Costs (allocation of)—Railroad-Highway Crossings—Contracts Between Public Utilities and Municipalities—Jurisdiction.*

Contracts or agreements between public utilities and municipalities as to the allocation of costs in crossing improvement proceedings are entered into subject to the lawful exercise of the police power of the Commonwealth; the Commission may, under the Public Utility Law, allocate the costs of the improvement, leaving the parties thereafter to secure such reimbursement as they may be entitled to under their contracts.

*Crossing Improvement Costs (allocation of)—Railroad-Highway Crossings—Port of Allegheny Authority Act—Jurisdiction—Private Rights—Eminent Domain—Acquisition of Railways System.*