

No. 2419.
OCEAN COUNTY COAL COMPANY
v.
CENTRAL RAILROAD COMPANY OF NEW JERSEY ET AL.

Submitted October 5, 1909. Decided January 3, 1910.

Complaint of undue discrimination in coal rates to Point Pleasant, as compared with the rates on coal to other stations on the coast of New Jersey, not sustained by the evidence and therefore dismissed.

Patterson & Rhome for complainant.

Jackson E. Reynolds for Central Railroad Company of New Jersey.

George Stuart Patterson for Pennsylvania Railroad Company.

REPORT OF THE COMMISSIONER.

COCKRELL, *Commissioner*:

Complainant charges undue discrimination in rates on anthracite coal against Point Pleasant, N. J., a station about 2.5 miles south of Seagirt, one of the junctions of the Amboy Division of the Pennsylvania Railroad with the New York & Long Branch Railroad. The rate from the Schuylkill coal mines in Pennsylvania to Point Pleasant is \$2.05; to Seagirt, \$1.90; to Manasquan, a station between Seagirt and Point Pleasant, \$1.90; and to Long Branch, 18 miles north of Seagirt, \$1.90. Rates from the Wyoming coal fields are 5 cents higher to all points. Defendants, while admitting the rates are as set forth, deny discrimination.

Point Pleasant is a town of about 2,500 inhabitants. Complainant, the only coal dealer there, does a business of four or five thousand tons per year. The New York & Long Branch Railroad extends from Bay Head, a station a mile south of Point Pleasant, northerly along the Atlantic coast to the neighborhood of Perth Amboy, passing through Manasquan, Seagirt, Spring Lake, Asbury Park, Long Branch, etc. This railroad is operated jointly by the Central of New Jersey and the Pennsylvania railroads. The former approaches Point Pleasant from the north via the New York & Long Branch Railroad, the distance from the Wyoming coal regions to Point Pleasant, via that line, being 211 miles. The distance via the Pennsylvania, approaching from the south via Camden, Whitings,

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and Seaside Park to Bay Head, is 238 miles. Schuylkill coal destined to Bay Head and south thereof pays a rate of \$2.05 per ton. These rates are higher than the rates via the Central of New Jersey to points north of Bay Head. The Pennsylvania claims that if it is to take part in the transportation of coal to points north of Bay Head it must meet the competition of the shorter line via the Central of New Jersey. The Pennsylvania road on the coast does a very light freight business, having been constructed largely for the summer passenger traffic. The winter service consists of one train a day each way, and very little freight is hauled with the exception of outbound fish.

Respondents defend the situation at Point Pleasant by the fact that to points north of Point Pleasant the \$1.90 rate is made by the Central of New Jersey, the shorter line. From Bay Head southward the Pennsylvania has its own road and makes a group rate of \$2.05 as far as Seaside Park and westward as far as Hanover. If the rate to Point Pleasant should be reduced, a reduction of the rates to all these points would be necessary.

Manasquan is 2.5 miles from Point Pleasant and complainant claims that coal dealers can bring coal from Manasquan to Point Pleasant and sell it 15 cents a ton cheaper than he can. Coal is sold from Manasquan and Point Pleasant to supply the territory between. The Central of New Jersey delivered 1,907 tons and 4 hundredweight of coal in Point Pleasant for the two years ending July 31, 1909, and into Manasquan 1,169 tons and 6 hundredweight during the same time. Some of the coal delivered into Point Pleasant was carted to Bay Head and points south.

The immediate question involved here is whether the rate to Point Pleasant is unreasonable and is that place discriminated against because of lower rates to points north. There is no evidence tending to show that the rate is unreasonable, other than a comparison with the rates to towns north and the fact that the Pennsylvania hauls coal to Seagirt, a longer distance north, at a lower rate than it hauls it for similar distances south, including Point Pleasant. The record shows that the rate to Seagirt and north thereof is fixed by the shorter line over the Central of New Jersey, and that the Pennsylvania meets the rate thus made and applies it to Manasquan. If the rate to Point Pleasant should be reduced, it would affect the rates on the Camden or Amboy division of the Pennsylvania, as hereinbefore stated. There was no allegation or proof that the coal rates to Point Pleasant are unreasonable, and we are of the opinion that that locality is not unduly prejudiced or discriminated against because of the juxtaposition of the groups taking the \$1.90 and the \$2.05 rates, or because of the lower rates to more distant points north, those rates having been made to meet competition by the shorter line. The complaint will be dismissed.