

FINANCE DOCKET No. 5265
ABANDONMENT OF PART OF LINE BY WILKES-BARRE
& EASTERN R. R.

Submitted February 9, 1926. Decided April 17, 1926

Application of the Wilkes-Barre & Eastern Railroad Company for authority to abandon a part of its line of railroad dismissed for want of jurisdiction

H. A. Taylor for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, EASTMAN, AND WOODLOCK
BY DIVISION 4:

The Wilkes-Barre & Eastern Railroad Company, a carrier by railroad subject to the interstate commerce act, on December 24, 1925, filed an application under paragraph (18) of section 1 of the interstate commerce act for a certificate that the present and future public convenience and necessity permit the abandonment of that portion of its line of railroad along the west bank of the Susquehanna River opposite Wilkes-Barre, Pa., between Market Street, in the borough of Kingston, and a point where a line drawn parallel to and 100 feet southwest of the center line of the railroad of the Wilkes-Barre Connecting Railroad Company intersects the center line of applicant's railroad, near the connection between the railroad of the applicant and that of the Wilkes-Barre Connecting Railroad Company, in the borough of Kingston, said portion being approximately 5,500 feet, all in Luzerne County, Pa. A similar application was filed with the Public Service Commission of the Commonwealth of Pennsylvania. A joint hearing was held and no objection to the granting of the application has been presented to us.

The applicant was incorporated in 1892 under the laws of Pennsylvania for the purpose of constructing and operating a railroad from Wilkes-Barre, Luzerne County, Pa., to a point on the Delaware River at or near the Delaware Water Gap, all in Pennsylvania.

Operation of the line in question was discontinued September 15, 1904. The tracks originally located on the right of way have, for the most part, been taken up and most of the trestle upon which the tracks were laid has become broken and decayed. The right of way

in question and the adjoining property are located along the west bank of the Susquehanna River, and at various times of the year portions of the right of way and adjoining property are submerged. During the last 20 years there has been presented no traffic, either passenger or freight, for transportation to or from the line in question, and there is no prospective traffic.

As operation of the part of the railroad herein involved was abandoned prior to the date paragraph (18) of section 1 became effective, and has not since been resumed by the applicant, we are of the opinion that the matter presented by the application does not come within our jurisdiction. An order dismissing the application will accordingly be entered.

ORDER

Entered April 17, 1925

Investigation of the matters and things involved in this proceeding having been had, and said division having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is ordered, That the said application be, and it is hereby, dismissed.

111 I. C. C.