

FINANCE DOCKET No. 9890
CHESTER RAILROAD COMPANY ET AL. ABANDONMENT

Submitted November 24, 1933. Decided December 7, 1933

Certificate issued permitting the abandonment (a) by the Chester Railroad Company of part of its line of railroad in Morris County, N.J., and (b) of operation thereof by the Morris & Essex Railroad Company and the Delaware, Lackawanna & Western Railroad Company.

W. J. Larrabee and W. S. Jenney for applicants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, BRAINERD, AND MAHAFFIE

BY DIVISION 4:

The Chester Railroad Company, The Morris and Essex Railroad Company, and The Delaware, Lackawanna and Western Railroad Company, on March 16, 1933, jointly applied for permission to abandon that part of the railroad of the former extending from a point 1,900 feet south of the station at Succasunna to the southerly terminus of said line at Chester, approximately 6.3 miles, all in Morris County, N.J. A protest was filed by the Borough of Chester, N.J. A hearing was held for us by the Board of Public Utility Commissioners of New Jersey, which has recommended that the application be granted. No one appeared at the hearing in opposition to the application.

The railroad of the Chester Railroad Company was completed in 1869. That company leased its properties and franchises to the Morris & Essex on May 15, 1868. By indenture effective January 1, 1869, the properties and franchises of the Morris & Essex, including those of the Chester Railroad Company, were leased in perpetuity to the Delaware, Lackawanna & Western, and the properties have been operated by the latter since that date.

During recent years traffic on the part sought to be abandoned has declined to the extent that it is not sufficient to justify the continuance of maintenance and operation of the line. The decline is attributed to the public use of means of transportation other than the railroad.

Freight tonnage amounted to 1,402 tons in 1930, 968 in 1931, and 639 in 1932, of which about 60 percent was anthracite. Passenger-train service was discontinued January 1, 1933, by authority of the Board of Public Utility Commissioners.

Railway operating revenues, allocated on a mileage basis, were \$247.17 in 1932 and \$35.39 in the first 8 months of 1933, railway operating expenses, partly actual and partly on mileage and other bases, but excluding overhead expenses, were \$15,161.35 and \$2,416.79 respectively, tax accruals were \$3,364.23 and \$2,018.47 respectively, and the deficit in net railway operating income was \$18,278.41 and \$4,399.81 respectively. The total system earnings from the 1932 traffic were \$2,359.03. The applicants state that it is their belief that the effect of continued operation on the system earnings would be even more serious in the future than during 1932. Train service is given only when there is any freight traffic to handle.

There are no cities or incorporated villages on the line, and no industry is dependent thereon for transportation. There are three stations on the line within 1 to 5.5 miles from stations on other lines by highway. The High Bridge branch of the Central Railroad Company of New Jersey traverses the same general territory at distances ranging from about 1 mile to 3.75 miles, west of the line.

The Delaware, Lackawanna & Western Railroad Company owns all the capital stock of the Chester Railroad Company.

The facts of record show that there is not enough rail traffic to support the line; that its continued operation would impose an undue burden on interstate commerce; and that the proposed abandonment would not result in serious public inconvenience.

We find that the present and future public convenience and necessity permit the abandonment (a) by The Chester Railroad Company of that part of its line of railroad in Morris County, N.J., described in the application, and (b) by The Morris and Essex Railroad Company and the Delaware, Lackawanna and Western Railroad Company of operation thereof. An appropriate certificate will be issued, effective from and after 30 days from its date. Suitable provision will be made therein for the cancelation of tariffs.

193 I.C.C.