

FINANCE DOCKET No. 10957
DELAWARE, LACKAWANNA & WESTERN RAILROAD
COMPANY OPERATION

Submitted October 15, 1935. Decided October 21, 1935

Certificate issued authorizing the Delaware, Lackawanna & Western Railroad Company to operate in passenger-train service, under trackage rights, over a line of railroad of the Pennsylvania Railroad Company in Northumberland County, Pa.

William S. Jenney for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, PORTER, AND MAHAFFIE

BY DIVISION 4:

The Delaware, Lackawanna and Western Railroad Company, on September 18, 1935, applied for authority to extend its passenger-train service from its present terminus at Northumberland to Sunbury, by operating passenger trains in each direction over tracks of the Pennsylvania Railroad Company between those points, 1.9 miles, and to use the station and facilities of the Pennsylvania at Sunbury, all in Northumberland County, Pa. No representations have been made by any State authority, and no objection to the application has been offered. All points mentioned herein are in Pennsylvania.

The applicant states that it and the Pennsylvania have agreed upon a plan for coordinating the passenger-train service of the applicant between Scranton and Northumberland, and that of the Pennsylvania between Wilkes-Barre and Sunbury. The applicant owns and operates a branch line extending from Scranton to Kingston, and thence along the north bank of the Susquehanna River to Northumberland. The Pennsylvania owns and operates a branch line, extending along the south bank of the river from Wilkes-Barre to Sunbury, which parallels the applicant's line from Kingston to Northumberland. These branch lines compete for passenger traffic, with the result that the passenger-train operations of each company between those points have for several years been conducted at a loss. The Pennsylvania's line connects with the applicant's line at Northumberland. Under the proposed plan the applicant by extending its passenger-train service from Northumberland to Sunbury, will operate two trains each way between Scranton through Northumber-

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land to Sunbury, on week days, and one train, each way, on Sunday. In connection with the operation of these trains the applicant will use the station and station employees of the Pennsylvania at Sunbury as its station and station employees. The Pennsylvania will discontinue one passenger train a day, in each direction, now operated over its line between Wilkes-Barre and Sunbury.

The applicant states that the proposed plan will eliminate unnecessary duplication of passenger-train service, reduce the Pennsylvania's loss from its present passenger-train operation, and substantially increase the applicant's revenue from passengers, mail, and express on its trains now operated between Scranton and Northumberland.

By the terms of a proposed agreement between the Pennsylvania and the applicant, a copy of which is filed with the application, the applicant is to pay to the Pennsylvania \$100 a month as compensation for the use of the aforesaid trackage rights, station property, and service, which shall include the applicant's proportion of interest on valuation, taxes, and operating and maintenance expenses applicable to the properties. The applicant agrees to move in its trains Pullman sleeping cars between Sunbury and Scranton in order to complete the service to and from Pittsburgh over the Pennsylvania. The agreement is to continue after the date made effective until either party shall terminate it by giving the other 60 day's notice, in writing.

There are certain other provisions including those usually found in trackage-rights agreements between railroad companies, which are not here enumerated.

It is apparent from the record that the proposals herein will effect operating economies without impairing service rendered the public, and will be in the public interest.

We find that the present and future public convenience and necessity require the operation in passenger-train service, under trackage rights, by The Delaware, Lackawanna and Western Railroad Company over the line of railroad of the Pennsylvania Railroad Company, and the use by the former of the station and facilities of the latter, in Northumberland County, Pa., described in the application. An appropriate certificate will be issued.

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