

FINANCE DOCKET No. 12149  
DELAWARE, LACKAWANNA & WESTERN RAILROAD  
COMPANY ABANDONMENT

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*Submitted October 28, 1938. Decided November 14, 1938*

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Certificate issued permitting abandonment by the Delaware, Lackawanna & Western Railroad Company of a branch line of railroad in Lackawanna 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 3, 1938, applied for permission to abandon its Pancoast branch line of railroad extending from a connection with the applicant's Winton branch at Powder Mill switch, in the borough of Olyphant, in a southwesterly direction to the former Pancoast colliery, approximately 2.761 miles, together with 0.281 mile of sidings, all in Lackawanna County, Pa. No representations have been made by any State authority, and no objection to the application has been offered.

The branch in question was constructed by the applicant in 1880 primarily to serve an anthracite operation at or near the village of Throop. It has been out of service since May 1937 and cannot now be operated because of numerous and deep mine caves, which would be expensive to overcome. The breaker at the Pancoast mine, from which was derived the principal freight traffic of the branch, has been abandoned and dismantled. Of the three short spurs or sidings on the branch, one, near the junction with the Winton branch, serves the plant of the DuPont powder company. That siding will be connected with the Winton branch and the service to the plant will be continued without interruption. The other two sidings have not been used for a number of years.

Throop, estimated population 5,000, is the only station on the branch. It is about 2 miles from the connection of the branch with the Winton branch. By highway, the nearest other stations to it are Olyphant, on the Delaware & Hudson Railroad, about 1.5 miles, and 230 I. C. C.

the Throop station of the New York, Ontario & Western Railroad, about 1.25 miles distant. The region is well supplied with highways. Motortruck and bus services are operated thereover.

The applicant states that with the exception of the business of the powder plant all traffic on the branch has disappeared and is not likely to return, and that there is no necessity for maintenance and operation of the line.

From the foregoing it is apparent that there is no public need of the branch proposed to be abandoned, as a transportation facility, and that its operation would impose an unnecessary and undue burden upon interstate commerce.

We find that the present and future public convenience and necessity permit abandonment by The Delaware, Lackawanna and Western Railroad Company of the branch line of railroad in Lackawanna County, Pa., described in the application. An appropriate certificate will be issued, effective from and after 30 days from its date, in which suitable provision will be made for the cancelation of tariffs.

230 I. C. C.