

No. 28000 (SUB-NO. 40)

IN THE MATTER OF APPLICATION FOR APPROVAL OF
PROPOSED MODIFICATION OF SYSTEMS OR DEVICES
UNDER PARAGRAPH (b), SECTION 25 OF INTERSTATE
COMMERCE ACT AS AMENDED

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

Submitted November 13, 1940. Decided December 31, 1940

Petition of the Delaware, Lackawanna & Western Railroad Company for approval of discontinuance of automatic block-signal system on its line between Owego and Ithaca, N. Y., denied.

H. L. Main for petitioner.

Fred R. Bean, O. L. Chadwick, D. C. Cone, John F. Hogan, Thomas Maddock, J. P. Mills, E. M. Mosier, John Osmun, John L. Russ, and John Wolslagel for employee organizations.

J. S. Hawley for Interstate Commerce Commission.

REPORT OF THE COMMISSION

DIVISION 3, COMMISSIONERS MAHAFFIE, PATTERSON, AND JOHNSON

BY DIVISION 3:

The Delaware, Lackawanna and Western Railroad Company has filed application pursuant to section 25 (b) of the Interstate Commerce Act, as amended, for approval of discontinuance of the use of automatic block signals on its Ithaca branch. It is asserted that traffic over this branch line has decreased to such an extent that the expense of providing automatic block-signal protection is no longer justified. The proposed changes are opposed by representatives of seven employee organizations on the ground that safety of operation would be thereby decreased.

This single-track branch line extends northward 34 miles, from a connection with the main line at Owego, to Ithaca, N. Y. In 1914 automatic block signals of the upper-quadrant semaphore type, electrically lighted, using primary battery for track and control circuits and signal operation, were installed. Since then train operations over the branch have been conducted by timetable, train orders, and the automatic block-signal system. It is now proposed to discontinue use of the block system and remove the signals, which would be used as replacements on other parts of the Lackawanna line. Certain signals governing the use of two railroad crossings on this branch

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would be maintained, although to some extent modified, and highway-crossing protection would not be affected. After the change in signals, only timetable and train orders would be used in train operations throughout the territory.

All parts of the present signal system are in good operating condition except that insulation of certain portions of the line wire has deteriorated. It is estimated that renewal would cost approximately \$15,000, but such renewal is not in prospect for the immediate future. No estimate is made of annual savings anticipated from the proposed changes, as certain maintenance work of the signal department must be continued on this line in any event. The Lackawanna asserts that the present traffic over this branch does not justify the use of the automatic block-signal system. Ordinarily this traffic consists of 4 passenger and 2 freight trains daily. Additional passenger trains at beginning and end of terms of Cornell University are usually required, as well as during holiday seasons. The Lackawanna claims that there is considerable decrease in traffic as compared with earlier years, and also that its revenues as a whole have greatly declined.

In opposition to the proposed plan it is shown that the automatic block-signal system protects trains against collisions, defective or open switches, and broken rails. There is some testimony to the effect that portions of the rail used on this line are old, comparatively light, and that numerous broken rails occur. This latter testimony, because of indefiniteness, is of minor import.

The Lackawanna asserts that the block-signal system was installed as a method of speeding up train operations rather than as a means of providing protection against unsafe conditions. Protestants urge that the chief purpose of an automatic block-signal system is to provide protection to train operations and to track and maintenance employees using track cars. In *Automatic Train Control Devices*, 229 I. C. C. 487, 492, the purposes of section 26, now section 25, of the Interstate Commerce Act, as amended, were considered. There, as in this case, it was contended by the railroad involved that what it proposed would be reasonably safe and less costly to maintain. In that case, at pages 492-493, the Commission stated: "We think that to promote safety means to advance, extend, elevate, or contribute to the growth or enlargement of safety." Our consideration here must be directed to comparison between the present methods used in operating trains and the one proposed. Regardless of what may have been in the minds of the officials of the railroad with respect to the safety provided in the operation of trains at the time the automatic block-signal system here considered was installed, or what views the present officials may hold in that respect, we are of the opinion that this automatic block-signal system is a safety device, and pro-

vides protection to train operation which cannot be afforded unless it or an equivalent system is used. To remove the automatic block-signal system and all visual information furnished by it to engine and train crews, as well as maintenance employees, entirely from this branch line would necessarily result in decreased safety of operation with respect to track occupancy of other trains and dangerous conditions of track and switches. In view of the decreased traffic on this line, some modification of the present system may be possible which would not result in decreased safety, but that proposal is not before us, and apparently no serious consideration has been given to it by the Lackawanna.

We find that the proposal to remove the present automatic block-signal system on the Ithaca branch of the Lackawanna would result in decreased safety of train operation, and that the petition should be denied. An appropriate order will be entered.

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