

FINANCE DOCKET No. 13444
DELAWARE, LACKAWANNA & WESTERN RAILROAD
COMPANY ABANDONMENT OF OPERATION

Submitted October 7, 1941. Decided October 15, 1941

Certificate issued permitting abandonment by the Delaware, Lackawanna & Western Railroad Company of operation, under trackage rights, over a line of the Lehigh & New England Railroad Company in Sussex County, N. J.

Douglas Swift and H. L. Main for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Delaware, Lackawanna and Western Railroad Company on September 12, 1941, applied for permission to abandon operation, under trackage rights, over the line of the Lehigh and New England Railroad Company between Augusta and Sussex, approximately 10.1 miles, in Sussex County, N. J. No representations have been made by State authorities, and no objection to the application has been offered.

The operation in question was authorized by us on November 8, 1939, in *Delaware, L. & W. R. Co. Operation*, 236 I. C. C. 155. Its purpose was to expedite the transportation of milk from Sussex to Newark, N. J. The applicant's trains on the trackage line were restricted to the movement of that commodity and the return of empty equipment for that movement. The record shows that the operating revenues from the traffic in question have exceeded the expenses incidental thereto. It is shown, however, that since September 1, 1941, no milk has been offered for shipment over the line. The traffic has been diverted to motortrucks, and there is no prospect of any traffic for the applicant on the trackage line.

Under the present arrangement the applicant is required to pay the Lehigh & New England Railroad Company a minimum rental of \$50 a month for the trackage rights. It is apparent from the record that the continuation of the arrangement would impose an undue burden upon the applicant and 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 operation, under trackage rights, over the line

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of the Lehigh and New England Railroad Company in Sussex County, N. J., described herein. An appropriate certificate will be issued, effective from and after 15 days from its date, in which suitable provision will be made for the cancelation of tariffs.

FINANCE DOCKET No. 13408

BALTIMORE & OHIO RAILROAD COMPANY IN PENNSYLVANIA ET AL. CONSTRUCTION, ETC.

Submitted September 29, 1941. Decided October 14, 1941

Certificate issued permitting construction by the Baltimore & Ohio Railroad Company in Pennsylvania of a branch line of railroad in Somerset County, Pa. Operation thereof by the Baltimore & Ohio Railroad Company approved and authorized.

John E. Evans, Sr., and W. D. Owens for applicants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

By joint application filed August 8, 1941, The Baltimore and Ohio Railroad Company in Pennsylvania seeks authority, under section 1 (18) of the Interstate Commerce Act, as amended, to construct, and The Baltimore and Ohio Railroad Company, under section 5 (2), to operate, a line of railroad extending from a point near Coleman station on the Somerset and Cambria branch in a southerly direction to a new coal-mining development, approximately 8.3 miles, in Somerset County, Pa. A hearing has been held. No representations have been made by any State authority, and no objection to the application has been offered.

The purpose of the extension is to provide rail service to a recent development of the Cambria Fuel Company, the present mine of which at Border station, now served by the applicants' Somerset and Cambria branch, will be exhausted during the present year. Production at this mine has dropped from 350,160 tons in 1934 to 139,682 tons in 1940. The coal company has acquired 3,500 acres of coal land at the end of the proposed line, of which 2,000 acres already tested are said to contain about 17,000,000 tons of a good-quality coal. The construction of mining facilities at the new location has begun. Present plans provide for an average annual production

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