

No. 28000 (SUB-No. 107)

IN THE MATTER OF APPLICATION FOR APPROVAL OF
PROPOSED MODIFICATIONS OF SYSTEMS OR DEVICES
UNDER PARAGRAPH (b), SECTION 25 OF THE INTER-
STATE COMMERCE ACT AS AMENDED.

DELAWARE, LACKAWANA & WESTERN RAILROAD COMPANY

Submitted April 19, 1950. Decided June 30, 1950

Application of The Delaware, Lackawanna and Western Railroad Company for approval of discontinuance of automatic signals between Washington, N. J., and Phillipsburg, N. J., granted.

Harold J. Gilmartin for applicant.

J. L. Elliott for protestant.

T. E. Fitzgerald for a labor organization.

REPORT OF THE COMMISSION

DIVISION 3, COMMISSIONERS PATTERSON, JOHNSON, AND KNUDSON

PATTERSON, *Commissioner*:

The Delaware, Lackawanna and Western Railroad Company has filed application pursuant to section 25 (b) of the Interstate Commerce Act, seeking approval of discontinuance of automatic signals on its single-track line between Washington, N. J., and Phillipsburg, N. J., about 13 miles. It is alleged that automatic signals are unnecessary under present operating conditions, and that their discontinuance will not impair safety of operation. The Order of Railroad Telegraphers filed a protest against a grant of the application. Hearing has been held.

Applicant's proposal covers removal of 39 automatic signals, the installation of one "end of block" sign immediately south of the Washington yard, and changing of one automatic signal to a fixed approach signal. There are four highway crossings at grade along this line. These crossings are protected by automatic flashers which will not be removed. Electric switch lamps will be installed between the yard limits of Washington and Phillipsburg. There are no passing sidings where opposing trains could meet and but three short sidetracks.

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The automatic signals under consideration were installed in 1910, at which time there were five passenger trains in each direction and two freight trains scheduled daily. There were also two local freight trains almost daily. For the past 5 years the operation has consisted of one freight train each day which originates at Port Morris, N. J., and passes through Washington at about 6:30 p. m., arriving at Phillipsburg approximately 45 minutes later. It returns to Port Morris the same night, leaving Phillipsburg between 9:30 p. m. and 10:30 p. m., and passing through Washington about 45 minutes later. On two or three occasions each week, a helper engine follows the freight train into Phillipsburg at an interval of from 30 minutes to 3 hours. Sometimes the helper engine is coupled into the freight train. A track patrol car is operated over the line between Washington and Phillipsburg about twice a week, but only during hours when there are no trains in operation. The estimated cost of modernizing the automatic block signals to comply with a proposed rule of the Commission is \$84,000.

At present the maximum speed on the branch line is 50 miles per hour. Under applicant's proposal, it will be reduced to 45 miles per hour and operations will be conducted by train orders and timetables. There are four other locations on applicant's lines where operations have been, and are being conducted in substantially the same way as that proposed herein.

Protestant opposes a grant of the application on the ground that safety of operating personnel requires automatic signals if for no other purpose than to afford protection against broken rails. A representative of the Order of Railway Conductors testified in opposition to the application and contended that it was hazardous to operate a train at 45 miles per hour without automatic signals to warn against broken rails. In many instances automatic signals are not actuated when rails are broken, and the Commission has never required installation of such signals for the sole purpose of affording protection against broken rails.

At the hearing protestant made reference to certain reports published by the Commission concerning accidents occurring on single-track lines where operations were conducted under train orders and timetables, but made no showing that any of such accidents occurred under operating or traffic conditions similar to those present on this line of applicant. Obviously, except for giving indication of an open switch or possibly of a broken rail, automatic signals would serve no useful purpose and are not required for the safe operation of only one train.

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We find that, under the circumstances here shown, safety of operation will not be materially decreased by the discontinuance of the automatic signals as proposed.

An appropriate order will be entered.

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