



SIDNEY GOLDMAN

CHAIRMAN

MEMBERS

FRANK C. CAMBIO

EDMUND J. KELLY

HORACE A. CUSSON

SECRETARY

BOARD OF
TAX ASSESSMENT REVIEW
CITY HALL, PROVIDENCE, R. I. 02903

To The Honorable City Council of the City of Providence:

The undersigned the Board of Tax Assessment Review of the City of Providence that pursuant to the provisions of Section 12 of Chapter 1665 of the Public Laws of 1945, as amended, said Board of Tax Assessment Review has reviewed taxes and made changes authorized by said act, as follows:

Original

1963, 19 165 230

Howard I. Scott

146 Westminster St.

219 400 Real Estate

\$8 556 60 Total Tax

Correction #63-24

1963, 19 165 230

Howard I. Scott

146 Westminster St.

200 910 Real Estate

\$7 835 49 Total Tax

Assessors Plat 20

Lot 132 Land 111 200

Should be Land 92 710

Original

1963, 16 023 518

Jack Paley c/o M. J. Kaplan

13 Astor Place

New York 3, N. Y.

451 880 Real Estate

\$17 623 32 Total Tax

Correction #63-25

1963, 16 023 518

Jack Paley c/o M. J. Kaplan

13 Astor Place

New York 3, N. Y.

369 400 Real Estate

\$14 406 60 Total Tax

Assessors Plat 20

Lot 178 Land 364 930

Should be Land 282 450

Original

1963, 19 041 750

Samuel Murray Realty Corp.

951 North Main St.

186 790 Real Estate

\$7 284 81 Total Tax

Correction #63-26

1963, 19 041 750

Samuel Murray Realty Corp.

951 North Main St.

169 340 Real Estate

\$6 604 26 Total Tax

Assessors Plat 5

Lot 1 Bldg. 83 460

Should be Bldg. 66 010

Original

1963, 06 294 586

Freeway Bowling Alleys, Inc.

650 Branch Ave.

362 940 Real Estate

125 000 Tang.

\$19 029 66 Total Tax

Correction #63-27

1963, 06 294 586

Freeway Bowling Alleys, Inc.

650 Branch Ave.

253 630 Real Estate

125 000 Tang.

\$14 766 57 Total Tax

Assessors Plat 99

Lot 142 Bldg. 329 660

Should be Bldg. 220 350

Original

1963, 02 316 915

Bliss Realty Inc.

410 Union Trust Bldg.

918 450 Real Estate

\$35 819 55 Total Tax

Correction #63-28

1963, 02 316 915

Bliss Realty Inc.

410 Union Trust Bldg.

816 460 Real Estate

\$31 841 94 Total Tax

Assessors Plat 20

Lot 146 Land 340 650

Should be Land 238 660

Original

1963, 16 070 400

Paramount Realty Co.

410 Union Tr. Bldg.

356 390 Real Estate

\$13 899 21 Total Tax

Correction #63-29

1963, 16 070 400

Paramount Realty Co.

410 Union Tr. Bldg.

269 340 Real Estate

\$10 504 26 Total Tax

Assessors Plat 20

Lot 135 Land 103 520

Should be Land 83 500

Lot 136 Land 182 280

Should be Land 134 290

Lot 136 Bldg. 69 840

Should be Bldg. 50 800

IN CITY COUNCIL

APR 16 1964

READ:

WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.*Vincent Vespa*
CLERK

Respectfully submitted,

Henry Helman Chairman
Frank B. Cambria
Edmund J. Kelly

BOARD OF TAX ASSESSMENT REVIEW

JOSEPH C. SCUNCIO
CHAIRMAN & SECRETARY
JOHN W. MOAKLER
LEE A. WORRELL



BUREAU OF LICENSES
CITY HALL, PROVIDENCE 3, RHODE ISLAND

April 7, 1964

To the Honorable City Council
City Hall, Providence, Rhode Island.

Gentlemen:

In accordance with the provisions of Chapter 2275 of the Public Laws of 1935, the Bureau of Licenses submits herewith a report of its activities for the quarter ending March 28, 1964:

Intoxicating Beverage Licenses

Class A	1	500.00	
Class B Victualling	1	1,000.00	
Class D Club	1	200.00	
Class F 24	1	<u>10.00</u>	1,710.00

Business and Non-Business Licenses

Food Dispenser	872	18,487.50
Laundry	2	20.00
Sunday Sales	479	4,790.00
Parking, Sundays	5	145.00
Hawkers and Peddlers	2	10.00
Second-Hand Stores	8	200.00
Pawnbrokers	6	600.00
Police Constables with power	20	500.00
Police Constables without power	5	125.00
Private Detectives	12	300.00
Permit to Carry Weapons	3	6.00
Hackney Carriage Power vehicle	2	20.00
Hackney Carriage Drivers License	40	40.00

continued

JOSEPH C. SCUNCIO
CHAIRMAN & SECRETARY
JOHN W. MOAKLER
LEE A. WORRELL



BUREAU OF LICENSES

CITY HALL, PROVIDENCE 3, RHODE ISLAND

Page #2. City Council

April 7, 1964.

Frozen Dessert	99	2,210.00	
Vehicle license(paid)	2	4.00	
License to sell revolvers	4	20.00	
Intelligence Office,1st Class	2	100.00	
Show and Dance	428	3,265.00	
Pool Tables,etc.	10	650.00	
Bowling Alleys	20	1,715.00	
Athletic Exhibitions on Sunday	13	121.00	
Bingo	52	406.00	
Explosives	3	6.00	33,740.50

Petroleum Storage	213	10,870.00	10,870.00
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Dog Licenses-Dogs	68	140.20	140.20
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Badge and Plate Fund

Peddler's Badges	5	2.50	
Police Constable Badges	4	2.00	
Newsboys Badges	1	.50	
Hackney Car.Drivers "	39	19.50	
Hackney Car.Markers	2	1.00	
Truck markers	2	1.00	26.50
	<u>53</u>		

Departmental Credits:

Transfer licenses	26	285.00	
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Registration Fees on Dog licenses	68	10.20	
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Total 2,468

295.20
\$46,782.40

IN CITY COUNCIL
APR 16 1964

Respectfully submitted,

For the BUREAU of LICENSES,

READ:

WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

Vincent Vespi
CLERK

Joseph C. Scuncio-Chairman and Secretary

FRANCIS A. LENNON
COMMISSIONER



~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

COMMISSIONER OF PUBLIC SAFETY
209 FOUNTAIN ST., PROVIDENCE 3, RHODE ISLAND

April 15, 1964

To the Honorable the City Council of Providence

Gentlemen:

I have the honor to reply to a resolution referred to me by your Honorable Body concerning establishment of a new crossing guard post at the intersection of Rochambeau, Summit, and Ivy Streets.

The Chief of Police has had his staff do a study of the area in question, and he reports that conditions in this locality do not appear to warrant the creation of a post there at this time. I concur in his report and respectfully advise your Honorable Body to that effect.

The Traffic Bureau has just completed a city-wide head count of school children crossing wherever guards are stationed, together with an analysis of the traffic situation at each point. It may be possible to realign some of the posts because of changed housing patterns. Within a month or two, final studies will be made, in conjunction with the School and Traffic Engineering Departments and the PTA, to produce a workable program in time for school re-opening in September.

On December 12, 1963 I wrote your Honorable Body, in part, as follows:

".....Mayor Reynolds has expressed to me his deep interest and concern for the safety of our school children. On the other hand in his inaugural message he pointed out the serious financial straights in which the city finds itself. In view of the necessity for providing all safety measures possible within the means of the city, the survey noted above will review all existing locations and their needs, as well as needs

which are not met at this moment. The cooperation of the school authorities is being sought, together with that of the Traffic Engineer and interested civic groups.

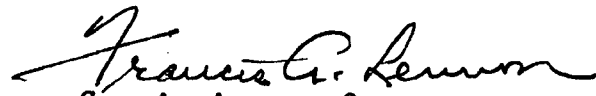
"It appears pertinent to point out some facts about the crossing guard establishment. At the beginning of the current fiscal year the Police Department was authorized eighty-eight guards at a salary cost of \$114,789.31. The cost of new uniforms and equipment is about \$175.00 for each new guard. Repairs to uniforms total about \$2,500.00 per year for all guards."

Since 1959 the number of guards has increased from seventy (70) to ninety (90) at this writing. The addition of each guard costs about \$1,480.00. The present cost of the 90 guards is about \$117,000 annually. We also have requests for three additional guards which are being evaluated now.

The problem we face is the old dilemma of finding more money to finance this burgeoning safety operation. While we can not - must not - deny protection to even one child crossing a street, the present trend, if it continues, will pose a serious financial problem.

The results of the comprehensive survey may show the necessity for increasing the number of guards, on the other hand it may well be possible to reduce the number by consolidation or relocation of posts. Either way, it is hoped that a resolution of our problem will come to pass.

Respectfully,


Commissioner of
Public Safety

IN CITY COUNCIL

APR 16 1964

READ:

WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.


CLERK

THE CATHEDRAL OF ST. JOHN

OFFICE OF THE DEAN

101 BENEFIT STREET
PROVIDENCE 3, R. I.

April 10, 1964

Mr. John Brock
President, City Council
City Hall
Providence, R.I.

Dear Mr. Brock:

Because of our great concern over the failure of the House of Representatives to take positive action on the matter of Fair Housing we now turn to the City Council of the City of Providence. When the question of a city-wide Fair Housing Law was first raised it was decided to wait until after this session of the General Assembly to determine the action of that body. It is now perfectly clear that a statewide bill will not be passed during this session of the Assembly. With this fact in mind we send to you now this resolution requesting that the City Council take the necessary steps to enact a city-wide Fair Housing ordinance.

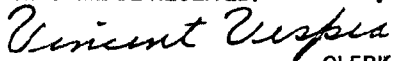
Sincerely,


Ronald E. Stenning
Dean

IN CITY COUNCIL

APR 16 1964

READ:

WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.
CLERK

A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF PROVIDENCE

WHEREAS: It has been demonstrated that discrimination against members of minority groups in the purchase and rental of housing accommodations does in fact exist in the City of Providence; and

WHEREAS: The enactment of a Fair Housing ordinance that will 'end discrimination' in Providence has been urged by the Mayor of this city, the Honorable Walter H. Reynolds; and

WHEREAS: The Human Relations Commission of the City of Providence on a motion made by the Most Rev. Russell J. McVinney, Bishop of Providence, and seconded by the Rt. Rev. John Seville Higgins, Bishop of Rhode Island, called for the passage of Fair Housing legislation in the City of Providence; and

WHEREAS: The Citizens Advisory Committee for Urban Renewal for the City of Providence has advocated the enactment of a Fair Housing ordinance for the city; and

WHEREAS: The General Assembly of the State of Rhode Island has failed to pass a statewide Fair Housing Bill;

BE IT RESOLVED that we a group of clergymen of the Diocese of Rhode Island, serving Episcopal parishes in the City of Providence, call upon the City Council of the City of Providence to take whatever action is required to have introduced into the General Assembly of this State an enabling act to allow the City of Providence to pass a city-wide Fair Housing Law.

William Good
Church of the Epiphany

Louis L. Stone
All Saints - Providence

Benjamin T. Tinsman
Grace Church - Providence

Keith E. Scott
Grace Church - "

Robert H. McGee
Grace Church - "

Signed,

Donald R. Stanning
Dean
Cathedral of St. John

Alan W. Mason
Christ Church - Providence

John W. Barrett, Jr.
Cathedral of St. John

Walter R. Leffert
Cathedral of St. John

Fredrick C. Mosby
Grace Church - Providence

APR 13 4 25 PM '64
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

IN CITY COUNCIL
APR 16 1964
READ:
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.
Mount Noble
CLERK



Vincent Vespia
City Clerk

285

CITY OF PROVIDENCE - RHODE ISLAND - Walter H. Reynolds, Mayor

DEPARTMENT OF CITY CLERK

CITY HALL

William H. Matthews
First Deputy
Dorothy K. McGinn
Second Deputy

April 16, 1964

To The Honorable the City Council of
the City of Providence

Gentlemen:

Your Honorable Body did on October 4, 1963, approve City Council Resolution 582, which Resolution registered its opposition to the discontinuance of the New York, New Haven and Hartford Railroad Trains Nos. 508 and 521 traveling between New London, Connecticut and Providence, Rhode Island; and further pointed out in said Resolution that the local State Regulatory Agencies should be empowered to determine the public convenience and necessity in this subject.

Your Clerk respectfully reports that he did on October 4, 1963, by directive incorporated in said Resolution, appear before the United States Senate Commerce Committee Hearing held in Providence and reported and filed for the record a copy of the subject Resolution.

Your Clerk hereby transmits to your Honorable Body the decision of the Interstate Commerce Commission and its findings decided on March 31, 1964, and identified as Finance Docket No. 22782, "New York, New Haven & Hartford Railroad Company Trustees Discontinuance of Service Between New London, Connecticut, and Providence, Rhode Island."

Respectfully submitted,

Vincent Vespia
City Clerk of Providence

VV/ss

IN CITY COUNCIL
APR 16 1964

READ:

WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

CLERK

SERVICE DATE
APRIL 2, 1964

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 22782

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.
TRUSTEES DISCONTINUANCE OF SERVICE BETWEEN
NEW LONDON, CONN., AND PROVIDENCE, R.I.

Decided March 31, 1964

Upon investigation, found that:

The continuance of operation by The New York, New Haven & Hartford Railroad Company of service by its passenger trains 508 and 521 between Westerly and Providence, R. I., Monday through Friday, is required by the public convenience and necessity and will not unduly burden interstate or foreign commerce. Such operation ordered continued for a period of one year from the date hereof.

The continuance of operation of trains 508 and 521 between New London, Conn., and Westerly, R. I., Monday through Friday, and of trains 508 and 525 between New London, Conn., and Providence, R. I., on Saturdays, is not required by the public convenience and necessity and will unduly burden interstate commerce.

Investigation discontinued.

J. W. Grady and T. P. Hackett for The New York, New Haven & Hartford Railroad Company.

Samuel Kanell for State of Connecticut.

Ronald Lagueux for State of Rhode Island.

Richard W. Caswell, William H. Leslie, Jr., Daniel J. Murray, James O. Watts, and S. Everett Wilkins for several Rhode Island towns, protestants.

John J. Marr and Arthur H. Riani for railway labor organizations, protestants.

Franklin S. Eggleston and Ernest A. Jenckes for other protestants.

REPORT OF THE COMMISSION

DIVISION 3, COMMISSIONERS TUGGLE, MURPHY AND WALRATH

TUGGLE, COMMISSIONER:

Pursuant to the provisions of section 13a(1) of the Interstate Commerce Act, The New York, New Haven and Hartford Railroad Company (Richard Joyce Smith, William J. Kirk,

Harry W. Dorigan, Trustees), a common carrier by railroad subject to the provisions of part I of the act, hereinafter called New Haven, filed a notice and supporting statement on September 17, 1963, as amended October 3, 1963, in which it proposed to discontinue, effective November 5, 1963, the operations of its passenger trains 508, 521, and 525 between New London, Conn., and Providence, R. I., a distance of 62 miles. As amended, copies of the notice were served and posted in the manner prescribed by section 13a(1) of the act and the regulations of this Commission.

Members of the United States Congress, the States of Connecticut and Rhode Island, numerous communities, community organizations, railway and other labor organizations, and individuals filed petitions or letters opposing the proposed discontinuance of the trains. By order of October 18, 1963, we instituted an investigation of the proposed discontinuance of service and ordered continuance of the trains for a period not to exceed 4 months beyond the effective date of the notice. Subsequently, the New Haven agreed to continue operation of the trains through April 2, 1964. Because of the statutory limitation upon the time available for such investigation and decision, the order provided for the omission of an examiner's report and recommended order, and for certification of the record to us for initial decision.

Public hearings were held at Providence, and appearances in opposition to the proposed discontinuance of service were entered by representatives of the States of Connecticut and Rhode Island, various communities, labor and other organizations, and several individuals. Testimony was given by

managerial and operating officials of the New Haven; and, on behalf of protestants, by a cost analyst; a member of the Rhode Island House of Representatives who uses the trains particularly when the legislature is in session, but who testified primarily as a transportation consultant and an expert familiar with real estate conditions in the area; representatives of communities or organizations; and 29 individuals who use the subject trains, mainly the 508. Briefs have been filed by the New Haven, the State of Rhode Island, Division of Public Utilities,¹ and the Town of North Kingstown, R. I.

The instant proceeding is the last of a group of three cases recently considered by us involving proposed passenger train discontinuances by the New Haven. In Finance Docket No. 22781, New York, New Haven & Hartford Railroad Co. Trustees Discontinuance of Passenger Trains Between New London, Conn., and Worcester, Mass., decided February 19, 1964, we found that continuance of the service was required by the public convenience and necessity and would not unduly burden interstate or foreign commerce, and ordered that operation of the subject trains be maintained for at least six months. In Finance Docket No. 22783, New York, New Haven & Hartford Railroad Co. Trustees Discontinuance and Change of Service Between Danbury, Conn., and Pittsfield, Mass., decided March 2, 1964, we found that continuance of the subject trains was not required by the public convenience and necessity and would unduly burden interstate commerce. The instant case is the first of these

¹ Whenever reference is hereinafter made to "the State," it shall relate to the State of Rhode Island unless otherwise specified.

proceedings to involve substantial commuter service.²

These passenger train proceedings are part of an overall effort by the New Haven to alleviate its serious financial straits which caused it, on July 7, 1961, to file a petition in the United States District Court for the District of Connecticut for reorganization under section 77 of the Bankruptcy Act.³ Large passenger deficits have been the primary cause of the New Haven's financial difficulties. In 1962 out of a total net railway operating deficit of \$11,514,438, the passenger service accounted for \$10,899,553.⁴ It is the stated belief of the trustees, who have been in charge of the New Haven's operations since August 3, 1961, that a reorganization is not possible until the passenger deficit problem has been solved. The carrier's witnesses were unable to say that the New Haven has any passenger trains operating at a profit; but, as a start, it is seeking to eliminate those passenger trains most lightly patronized by the public, even though the losses thereon may not be the heaviest. The density of the subject service is the lowest on the New Haven except for the New London-Worcester and weekday Danbury-Pittsfield services.⁵

² The New Haven is also involved in a proceeding before the State regulatory commission in Massachusetts in which it proposes substantially to eliminate its commuter service into and out of Boston.

³ The New Haven's general balance sheet, as of March 31, 1963, shows total assets of \$408,866,552. Stockholders' equity as of that date was \$109,664,865, reflecting a retained income deficit of \$46,798,776 and a total capital stock and surplus of \$156,463,641. The New Haven's income account for the period January through November 1963 shows operating revenues \$112,147,299, operating expenses \$101,271,016, taxes \$8,041,909, rents (net debit) \$12,800,122, net railway operating deficit \$9,965,748, and net deficit \$11,661,375.

⁴ Chargeable to passenger service are 43.6 percent of revenues, 48.3 percent of expenses, and 70.9 percent of train miles. The New Haven's experience has been in these ranges for many years.

⁵ The density is said to be 2 percent of the system average, since these trains run 2 cars per day in each direction while the 1962 system average was 108 cars per day in each direction per mile of track.

The trains in question provide primarily a commuter service between New London and Providence but also afford a means of traveling to and from points beyond Providence, principally Boston, Mass. Of the 3 trains, No. 508 is the chief traffic generator, carrying in 1962 an average of 102 revenue passengers per trip. It is operated Monday through Saturday, leaving New London at 7:22 a.m. and arriving in Providence at 8:47 a.m., serving ten intermediate points on the way. It then proceeds to Boston, arriving at South Station at 9:50 a.m. The proposed discontinuance concerns only the New London-Providence service.

Trains 521 and 525 provide the return movement--No. 521, Monday through Friday, and No. 525, on Saturday. They originate at Providence, although their cars are used earlier in service from Boston to Providence. The weekday train leaves Providence at 5:15 p.m. and reaches New London at 6:31 p.m. In 1962 it transported only 44 revenue passengers per trip, because many of the morning commuters return on other trains, including No. 29, an express train from Boston to New York which leaves Providence at 4:54 p.m. and stops at Kingston and Westerly, R. I., the principal traffic producing points for the 508. No. 525, the Saturday train, departs Providence at 2:00 p.m. and arrives in New London at 3:15 p.m. In 1962 it carried but 15 revenue passengers per trip. The schedules of the trains and the points served (with populations) are set forth in appendix A.

The equipment of each train consists of two Budd cars. At the time of the hearing RDC-1 cars with a seating capacity of 89 were being used. Normally one of the cars is an RDC-2

with a seating capacity of 70. However, this car had been taken out of service for repairs and had not yet been returned to service on this line. The crew consists of an engineer, fireman, conductor, and trainman. No freight, baggage, mail or express is handled.⁶

I. Burden of proof. The New Haven contends in its brief that the burden of proof in this proceeding is on those who oppose the proposed train discontinuance. It raised the same issue in the Danbury-Pittsfield case. We said in our report (sheet 4), quoting from Great Northern Ry. Co. Discontinuance of Service, 307 I.C.C. 59, 61:

Regardless of where the burden of proof lies, a carrier subject to our regulation is expected to aid in the disposition of proceedings to which it is a party by making available all pertinent facts within its knowledge.

We went on to comment about the public interest findings required under section 13a(1) and declared (sheet 5):

It cannot, in reason, be argued that we are free to decide these public issues on the basis of legalistic procedural rules without a record well enough developed to form a foundation of substance for our findings. In this case we are satisfied that the record is adequate to yield the statutory findings on public convenience and necessity and on burden to interstate commerce; and this, without regard to questions of procedural obligations.

⁶

The Railway Express Agency ceased using train 508 for express shipments after 1961 and train 521 after 1962. No express was moved on train 525 during the periods for which data have been provided herein.

Our conclusion here is the same as in the case from which we have quoted.

II. The cost of operating. To support the claimed losses flowing from operation of the subject trains, the New Haven presented data for 1961, 1962, and the first ten months of 1963, showing that expenses exceeded revenues in these periods in the amounts of \$42,046, \$48,759, and \$41,534, respectively. The State made certain adjustments to the New Haven's 1962 data, and, on the adjusted basis, shows the excess of expenses to be \$16,887.⁷ It is quite evident, both from the testimony of its witnesses and from its arguments on brief, that the cost exhibits reflect certain allocations of costs to units of service, which are largely theoretical and not entirely pertinent to the specific inquiry in this proceeding. We seek not the allocated costs as such, but the savable costs. Unless a particular cost will be avoided as a direct result of the proposed discontinuance and not merely be reallocated and added on to other service units, it must be disregarded as immaterial. Having considered the several contentions and reviewed the record carefully, we conclude that the amounts of \$24,722, \$31,858 and \$27,774 fairly reflect the excess of savable expenses over revenues for the respective periods set forth above. The details are set forth in appendix B, and those matters warranting comment are discussed below.

A. Interest on investment, maintenance of way, and injuries to persons (transportation). We agree with protestant that interest on investment, calculated by the New Haven at six percent of the depreciated cost value of the Budd cars, should be disallowed. See New Haven Discontinuance Between New London

⁷ Adjusting the State's exhibit to correct an error made in calculating train supplies and expenses raises this amount to \$17,575.

and Worcester, supra, sheets 20-21; New Haven Discontinuance Between Danbury and Pittsfield, supra, sheets 17-18. In addition, we are disallowing a small amount claimed by the New Haven for maintenance of way expenses and the amount claimed for injuries to persons occurring in connection with transportation. The subject trains are operating over the New Haven's main line, and, in the absence of specific evidence demonstrating how the discontinuance of one roundtrip a day from this heavy-duty traffic line could bring about a saving in maintenance of way expenses, this item will not be recognized. Louisville & N. R. Discontinuance of Service, 307 I.C.C. 173, 180. With respect to injuries to persons, the New Haven's cost witness had no knowledge that any injury had, in fact, been attributable to operations between New London and Providence during the period studied. It is evident that the cost shown is merely an allocation of a system expense without any proof that elimination of the train service would avoid any cost in this category of expense.

B. Expenses relating to the earning of dependent revenues.

Dependent revenues are those attributable to travel east of Providence on the 508 or other trains by passengers who use the subject trains west of Providence. The New Haven claims as savable upon the subject discontinuance the expenses of earning such revenues, and it estimates those expenses at 50 percent of the revenues, in accordance with a formula applied in other discontinuance cases. The State argues that such expenses should not be recognized because the incremental costs of handling the passengers beyond the segment are nil or negligible. The New Haven, on the other hand, contends that the 50-percent formula inadequately

reflects the attainable savings in expense as demonstrated by the fact that over the past ten years it has been successful in reducing expenses by \$1.20 for every dollar of passenger revenue it has lost. Neither the State nor the New Haven has attempted to ascertain the actual costs associated with feeder revenues through studies or otherwise.

Application of the 50-percent formula received thorough consideration in the New London-Worcester and Danbury-Pittsfield cases. In the former it was recognized, even in the absence of specific data, that the pro rata cost of carrying each passenger beyond the line is high. But it was pointed out that the issue involved in this type of proceeding is savings, not costs. As noted therein the expense involved was that of handling a handful of passengers per trip who alight from the branch trains, walk over and board the main line trains, and occupy seats that would otherwise move empty. From the standpoint of avoidability, the cost of handling such passengers beyond the branch was found to be insignificant; and the 50-percent formula was not invoked. It was indicated that the formula has application in cases where there is a transfer of equipment or of a substantial number of passengers.

In our subsequent decision in the Danbury-Pittsfield case we found no compelling reason not to employ the 50-percent formula. The number of passengers on the trains averaged 45 to 50 and most of them traveled more miles off the branch than on it. We were persuaded by the evidence that following the discontinuance there would be a period of adjustment south of Danbury resulting in the operation of less equipment.

In the instant proceeding, the number of beyond-the-line passengers, the great bulk of whom continue on the 508 east of Providence, constituted an average of 22.5 passengers per trip in the 1961 winter test week, 23.3 in the 1962 summer test week, and 17.3 in the 1963 winter test week.⁸ Dependent revenues amounted to \$11,712 in 1961 and \$10,896 in 1962.

The New Haven brief in this case was filed after the New London-Worcester decision but before the Danbury-Pittsfield report was issued. It is contended that the distinction made in the former in situations where there is a substantial number of passengers is unsupported. It cites, among others, application of the 50-percent formula in Great Northern Ry. Co. Discontinuance of Service, 312 I.C.C. 580, 585, where there was an average of less than 11 passengers per trip, Louisiana & A. Ry. Co. Discontinuance of Service, 317 I.C.C. 155, 159, where the feeder revenues were in the neighborhood of \$3,500, and the St. Louis-S. F. Ry. Co. Discontinuance of Service, 312 I.C.C. 713, 720, where the feeder revenues were approximately \$5,700.

The New Haven's argument implies that application of the 50-percent formula has been automatic in the past and that the New London-Worcester decision was an unjustified departure from customary procedure. The 50-percent formula has been adopted as a means of estimating the savable costs associated with feeder revenues in a situation where a reasonably accurate ascertainment of such costs is not economically or practically feasible. Before resort may be had to the formula in a particular computation, it must first be apparent in the factual circumstances of the case that some perceptible saving in the

⁸ The number of passengers originating east of Providence and traveling on the 521 or 525 to their destinations was negligible.

expenses reflected in this item will necessarily follow the discontinuance. Where the events to follow are clearly in focus and there is no indication that a noticeable diminution in service, equipment or personnel beyond the branch is likely to ensue, the formula would have no relation to reality. Each case must be decided on its own record, as indicated by the decisions in the New London-Worcester and Danbury-Pittsfield cases.⁹

On the record before us, it is our judgment that the loss of beyond-the-segment passengers would not result in the avoidance of any significant amount of the costs of operating the 508 to Boston. The evidence points the other way, namely, that discontinuance of the New London-Providence commuter service would not affect the operation of train 508

9

See also Missouri Pac. R. Co. Discontinuance of Passenger Trains, 312 I.C.C. 765, where the Commission employed the 50-percent formula, rejecting the carrier's contention, similar to that made here by the New Haven, that the costs of beyond-the-line passengers exceeded the revenues they provided. The following comment appears at page 773:

The instant proposal does not contemplate discontinuance of trains between Kansas City and St. Louis, and it has not been shown, nor does it appear probable that the cost of operating those trains would be materially diminished by the loss of the feeder traffic. The out-of-pocket cost of transporting coach passengers in such category between Kansas City and St. Louis would be increased materially only if it became necessary to add an additional car or cars, and even then the cost of operating the trains involved would not increase in direct proportion to the number of cars added. The cost of transporting sleeping car passengers probably would be relatively more.

between Providence and Boston, there being anticipated no reduction of crew consist, number of cars employed in the service, or any other factor which would afford the New Haven operational economies in the Providence-Boston service as a result of the subject discontinuance. If, as explained by the carrier's cost witness, the crew and car expenses of operating a passenger train empty would be about the same as operating it in revenue service, the bare operation of train 508 between Providence and Boston would produce the heavy preponderance of the costs incurred and the number of passengers carried would have little effect on the amount of expenses, unless the change in that number were enough to warrant a change in the amount of equipment needed. The fact that the carrier has been able to achieve over the years, as an over-all experience, a reduction in expenses of \$1.20 for every dollar of revenue lost does not justify use of the fifty-percent formula or a higher percentage herein in light of the evidence concerning the specific operations with which we are here concerned.

C. Other expenses. The State argues that since the New Haven would only discontinue the New London-Providence segment of a New London-Boston operation, some of the costs claimed by the railroad as avoidable would still be incurred between Providence and Boston. The testimony of the carrier's cost witness substantially supports these other expenses claimed and the bases used for determining them. Therefore, we do not accept any of the other revisions the State would make.

1. Depreciation. The cost witness for the State recognized that depreciation may properly be considered an avoidable expense when the equipment is sold or utilized in such fashion as to release other equipment from service, but he contended that those factors are not applicable here because the two Budd cars involved are now employed in service between Providence and Boston as well as over the subject segment, and the carrier's proposal would merely curtail their run and their mileage. He would therefore eliminate all depreciation expense claimed by the carrier for the Budd cars.

As already indicated, train 508 proceeds beyond Providence to Boston, arriving there at 9:50 a.m. There is no further use of the cars which make up train 508 until they become a part of train 523 leaving Boston at 3:28 p.m. and arriving in Providence at 4:28. The two cars are then detached from the train and leave Providence at 5:15 p.m. for New London as train 521.¹⁰

The carrier admits that immediately after discontinuance of the New London-Providence service the cars would be utilized as they are currently, but it urges that the problem must be viewed from a long-range standpoint. It contends that past experience shows that it will find other services to which the time released from the New London-Providence service can be applied to make use of the cars, which is impossible as long as the cars are occupied in service between New London and Providence. Possible other uses are as substitutes for standard equipment to reduce losses in other services or in

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The record is silent as to how the cars which make up train 525 on Saturday are moved from Boston to Providence.

intensified service where other Budd cars are now used, such as between Boston and Providence or New Haven, Conn., and Springfield, Mass.

Depreciation expense was regarded as savable in the other two recent discontinuance proceedings concerning this carrier, and the facts here do not warrant a different decision. It would be unrealistic and misrepresentative to predicate our conclusion on the short range view that the use made of the Budd cars involved would not be immediately affected by the proposed discontinuance. A proper evaluation requires a broader approach. Great weight must be accorded the carrier's experience as testified to by its comptroller, particularly since the State's witness made no study of the carrier's equipment problems.

2. Budd car repairs. The State contends that the portion of the repair expenses of the Budd cars attributable to time rather than use is not avoidable and, therefore, should not be recognized. The time portion of the repair expenses has much the same character as the depreciation expense: were the cars transferred to other service thereby permitting release of other cars, or be themselves retired, there would be a resultant savings in expense.¹¹ Accordingly, our treatment of the time portion of the repair expense is governed by the discussion heretofore on depreciation expense.

¹¹ On cross-examination, protestant's expert witness stated that if the cars were utilized in some other service, he presumed the time portion of the expenses "would be avoidable insofar as this operation is concerned."

3. Enginehouse and train supplies and expenses. The cars on the subject trains are serviced after each arrival at New London or Boston. The carrier calculated the enginehouse expenses by obtaining the costs per unit of servicing Budd cars at the two enginehouses in 1961 and 1962, averaging the costs, and multiplying by the number of Budd car trips. Train supplies and expenses were determined by multiplying the average costs per Budd car mile and the Budd car miles on the subject trains. The effect of employing these methods is to assign to the subject trains not only costs incurred at New London but also a portion of the costs experienced at Boston. The State maintains that since the cars will continue to be serviced at the Boston terminal no portion of the costs incurred there would be avoided by discontinuance of the New London-Providence service. It further contends that it is doubtful any expenses will be avoided because servicing done at New London would be transferred to Providence.

The nature of the operations and the accounting therefor are such that actual costs cannot readily be determined. This makes it virtually impossible to secure figures which precisely reflect the costs avoidable upon the discontinuance. Included in this item are such things as washing, wiping, cleaning, checking brakes, hostling and dispatching. In the carrier's concept of the Boston-Providence operation, none of these services would be performed at Providence; accordingly, the expenses now incurred at New London would not appropriately be allocated to Providence, but rather, would be largely avoided. As to Boston expenses, it is reasonable to believe that some part of them, too, would be avoided because the amount of work connected with some of the services probably varies with mileage; but it is not likely that the amount of service, and consequently the avoidable cost, would be reduced in direct proportion to the

mileage reduction. To the extent the proportion is not direct, the carrier's claimed saving is overstated; but the amount would not be great enough to alter our conclusions in this case. The avoidance of costs at Boston, if in fact the discontinuance would have such an effect, would not come from a reduction in force, but from releasing men for other productive work.

III. The savings. The carrier claims, as shown in Appendix C, that if the subject service were discontinued the savings in expenses would exceed the loss of revenues by \$48,183 per year. In reaching this result it used the data derived from certain test weeks (as more fully described later), and made adjustments to reflect on an annual basis the fare increases which became effective on November 16, 1962. The amounts of retained and lost revenues were bottomed on judgment evaluations. Costs experienced were used, but allowance was made for an anticipated increase in the wage rates of operating employees similar to the 3.9 percent increase received by nonoperating employees during 1962.¹²

The State contends that the revenue figures are open to serious question but does not suggest any figures to be substituted. It would adjust the cost figures downward, for reasons previously discussed, thereby reducing the excess of savings to \$12,693.¹³

¹² At the time of the hearing an agreement on wage increases had been reached at a national level but had not been accepted by all of the local labor leaders who have to make individual agreements with the railroads.

¹³ Protestant also submitted an excess savings figure of \$1,300 on the assumption that none of the enginehouse or train supplies expenses is avoidable. Neither of these figures has been corrected for the error in computing train supplies and expenses. See note 7, supra.

As set forth in appendix C, we recognize savings in the amount of \$27,962, and a further adjustment would be warranted to reflect additional revenues and some lowered cost items.

A. Revenues. The New Haven does not have actual data for revenue passengers or revenues from the trains. It does, as a matter of daily procedure, count the passengers into and out of Providence, and on the subject trains this would cover about 95 per cent of the passengers. Because the data thus produced do not show passenger origin and destination, and reflect nonrevenue as well as revenue passengers, it was not possible to determine therefrom the number of revenue passengers and the revenues. Consequently, the New Haven made an actual count of revenue passengers and an analysis of revenues for certain test weeks. Since the number of passengers and their character may differ in summer as compared with the rest of the year, the New Haven used the last week of June¹⁴ (hereinafter called the summer test week) to derive the data for June, July, and August; and a week embracing the last days of October and the beginning of November (hereinafter called the winter test week) for the rest of the year. The derivation was accomplished by dividing the test-week head count into the monthly head count, and applying the resulting factor to the number of revenue passengers and revenues in the test week, thereby producing the figures for the month. Estimates were made for 1961 and 1962 based on a 1961 winter test week and a 1962 summer test week. The estimates for the first ten months of 1963 were grounded on the 1962 summer test week and a 1963 winter test week, and these formed the basis for the pro forma exhibit in appendix C. Appropriate adjustments to revenues were made to reflect a fare increase effective November 16, 1962.

¹⁴ For train 508 a slightly different period was used.

The State contends that additional test weeks should have been used so that we might have more reliable revenue estimates. It points out how an exhibit in the New Haven's initially filed statement shows an estimated revenue loss of \$67,944 upon the discontinuance, whereas a similar exhibit presented at the hearing (reflecting the traffic increase in the last year) showed the figure to be nearly \$7,000 less. The New Haven's revenue witness explained that this result was obtained because the winter test week in 1963, as compared with that in 1961, showed that, despite the increase in their number, the passengers were traveling shorter distances, and more students were being carried. The witness stated he had no reason to believe the 1963 winter test week was not representative.

The pro forma exhibit in question is supposed to reflect the carrier's savings predicated on a representative future period. In determining what is representative we believe greater weight should be granted more recent experience over that of a more remote period. Had more test weeks been used, the results, to be sure, would have had a greater degree of probability, and there would have been less room for controversy; nevertheless, the carrier's presentation is founded on methods which have been recognized by the Commission as furnishing reasonably reliable results.

Notwithstanding the foregoing, we believe the revenue data are understated. No provision for an increase in traffic is made in the carrier's pro forma exhibit, though the record shows that since the twelve-month period ended September 30, 1962, during which the number of revenue passengers was 43,012, that number has steadily increased to 44,974 for the twelve months ended October 31, 1963, the last twelve-month period for which data are available. This is a rise of 4.6 per cent. In view of this

experience, and other factors discussed hereinafter, it is reasonable to anticipate that the patronage will continue to increase. Provision should have been made for such increase, particularly since the carrier has asked us to take into account anticipatory cost increases.

The evidence of record does not furnish us a ready means of translating the indicated passenger increase into revenue data. Consequently the \$27,962 shown in Appendix C as the recognized excess of savings is overstated by some indeterminate amount. The amount of the overstatement is moderate, however, and, if adjusted, would not alter the purport of the New Haven's showing that, as a result of the discontinuance, more would be saved in expenses than would be lost in revenues.

B. Expenses. In accordance with our previous discussion, the carrier's presentation will be adjusted to eliminate interest on investment, maintenance of way, injuries to persons (transportation), and expenses related to dependent revenues. We believe the other items based on the 50-percent formula should also be disallowed. The carrier has used that formula to arrive at two such items, (1) the savings in expenses related to reverse traffic revenues which would be lost (revenues from passengers using the 508 in the morning but returning on trains other than the 521 or 525) and (2) the additional expenses to be incurred on other trains as a consequence of traffic which would be retained by the New Haven. The passengers returning home from Providence on trains other than the 521 or 525 use a number of Boston to New York express trains, but primarily No. 29 scheduled to leave Providence at 4:54 p.m. The passengers who

would be retained upon the discontinuance would also ride main-line express trains. It does not appear from the record that either the reverse traffic or the retained passengers significantly affect the costs of operating the trains on which they ride or would ride. We have, therefore, removed these expense items, based on the 50-percent formula, from consideration.

IV. Necessity to consider other factors in addition to losses.

It is apparent that even if we were to adopt the most extreme position advocated by the State of Rhode Island, there would be an excess of expenses over revenues. Although the excess is not great, particularly in light of the testimony of a trustee that the carrier is losing five million dollars annually on its commuter operations into and out of New York City, the contention of the State that the subject operations place no burden on interstate commerce is without merit. They clearly contribute to the carrier's overall, unsound financial position.

Notwithstanding these losses the Town of North Kingstown, R. I., objects to a "piecemeal" approach to discontinuance of service by the New Haven. Citing the opinion given by the carrier's comptroller that it would never be possible for the New Haven to conduct passenger service at a profit without public subsidy, the Town argues that if the 508 should be discontinued at this time, its passengers will never receive the benefit of such future public subsidy. It contends that the course being pursued by the New Haven's trustees is, therefore, arbitrary, discriminatory, and opposed to the public interest, and should not be permitted.

The matter of future public subsidy of the New Haven's passenger service is, at this juncture, much too speculative to afford the basis for requiring the railroad to continue the subject service in face of the losses it is suffering. Accordingly, we reject North Kingstown's position.

Nevertheless, our inquiry cannot properly end at this point. We must consider all the factors which affect the statutory criteria of undue burden and public convenience and necessity. As the Commission has said:

The legislative history of section 13a makes it clear that Congress did not intend that we permit discontinuance of trains merely upon a showing that their operation results in a loss to the carrier. Although the fact that losses are being sustained is an important factor in determining whether continued operation of certain trains will result in an undue burden upon interstate or foreign commerce, the magnitude of the losses must be considered in relation to the need for the service and the effect of the losses upon a carrier's ability to continue adequate and efficient transportation service.

V. Need for service. The evidence of need for the service is substantial. As already indicated, contrary to the downward trend in revenue passengers being experienced by the carrier and railroads in general, use of the subject trains has actually turned upwards. The ebb and flow are reflected in Appendix F (summarized below) showing the average number of revenue passengers per trip:

<u>Train</u>	<u>1961</u>	<u>1962</u>	<u>First 10 Months 1963</u>
508	113	102	108
521	49	44	44
525	17	15	17

¹⁵Missouri Pac. R. Co. Discontinuance of Passenger Trains, 320 I.C.C. 1, 10-11.

This increase in patronage is particularly impressive inasmuch as it has largely occurred after a fare increase effective November 16, 1962. Furthermore, it is reasonable to anticipate that use of these trains will continue to grow. Population data and other evidence in the record demonstrate that persons are moving from Providence to areas in Rhode Island south and west of Providence through which these trains run. The record has considerable testimony of individuals who have located their residences outside of Providence in reliance on the availability of these trains, particularly the 508, to transport them to and from their offices in Providence. Some of these persons have summer residences in southern Rhode Island and commute to Providence on the 508 during the summer months. They now have completed, or are in the process of converting their homes to year-round residences with the intention of using the carrier's service throughout the year. The number of students using the trains to attend school in Providence has increased. And the 508 continues, as it has over the years, to fulfill the needs of those persons who need to be in Boston at an appropriate time to avail themselves of medical facilities.

The New Haven offers no train service which is a reasonable substitute for that of the subject trains. If they should be discontinued, eight of the twelve communities served by the trains would be entirely without rail passenger service. These are Noank, West Mystic, Mystic, and Stonington in Connecticut, and Shannock, Kenyons, Wickford Junction and East Greenwich in Rhode Island.

Driving into downtown Providence during rush hours is trying and tedious and requires traversing a highway system which is presently inadequate. A witness for the Greater Providence Chamber of Commerce testified that a major highway system is presently under construction which will connect the area served by the trains with Providence, but it will be several years before this construction is completed. The New Haven does not dispute the testimony regarding the existing defects in the highway system but maintains that in its present financial condition it should not be compelled to continue a loss operation pending completion of the highway program.

The deficiencies in the highway system and the New Haven's financial predicament are both factors which warrant consideration in reaching a decision in this case, though neither, standing alone, would control the outcome. Rather they have been considered with all the other evidence in reaching our conclusion.

With respect to alternate public transportation as represented by bus service, the New Haven declares that East Greenwich riders would not suffer great inconvenience if the subject trains were discontinued, Wickford Junction riders would have service somewhat less convenient than East Greenwich patrons but still not greatly inconvenient, Kingston riders would be confronted with a substantial amount of inconvenience, and Westerly and Connecticut riders would be even more inconvenienced.

We find that, except at East Greenwich, there is no reasonable, alternate bus service. Noank, West Mystic, Shannock, and Kenyons have no bus service. New London, Mystic and Westerly are served by

Eastern Greyhound Lines but there are no schedules presently being operated which could satisfy the requirements of a commuter. Stonington has direct bus service to New London, Mystic, and Westerly, but not to Providence. Present bus service from Kingston to Providence does not fulfill the needs of a commuter. Wickford Junction has commuter service to Providence. However, the Deputy Public Utilities Administrator of Rhode Island testified that the bus line which connects Kingston and Wickford Junction with Providence does not have the equipment or facilities to meet the demands of the patrons of the 508.¹⁶ Although the bus service from East Greenwich to Providence takes more than twice the time of the train run, the witness stated that it could be utilized by persons not turning to pool car riding to solve their transportation problem.

The evidence is persuasive that discontinuance of the 508 would have a profound effect on a number of persons who use it. Some would retire or give up their employment or places of business in Providence. Others would move back to Providence.

Another factor to be considered in connection with public convenience and necessity is the probable effect which discontinuance of the trains would have on employees. Great Northern Ry. Co., supra, 307 I.C.C. 59, 74. Unless saved by attrition in the work force due

¹⁶The New Haven did not attempt to probe into this testimony which was given on cross-examination. Nor does the New Haven challenge this testimony in its brief. The railroad merely speculates that the bus company would be "willing" (the New Haven does not say "able") to furnish additional buses if there were a demand for them after discontinuance of the subject trains. No witness from the bus company testified.

to other causes, discontinuance of the trains would result in the elimination of one train crew composed of an engineer, fireman, conductor, and trainman. Five mechanical department employees are also involved, but their release from the services required by these trains would probably result merely in freeing them for other productive work rather than any reduction in force.

We are convinced from the foregoing that the public convenience and necessity require commuter train service to and from Providence, at least for the present. On the other hand, it is manifest that the financial drain on the carrier must be kept at a minimum while service is continued and until it can be determined whether the anticipated growth in traffic and greater contribution toward expenses will, in fact, be attained. We shall, therefore, analyze more closely the needs for service shown by the record so that we may ascertain precisely the scope of the service which warrants retention.

VI. Extent of service required. In its brief, the State of Rhode Island requests the Commission to order the carrier to continue to operate trains 508 and 521 between New London and Providence, at least Monday through Friday, until disposition is made of the carrier's New York City commuter problem. It does not urge continuation of the Saturday service.

A. Saturday service. In the first ten months of 1963, train 525 carried an average of only 17 revenue passengers per trip. Although this is an increase from the average of 15 passengers transported in 1962, it does not appear to warrant continuation of service. On the other hand, daily head count figures for the months of

October, November, and December 1963 show that train 508 carried an average of 68 passengers (revenue and nonrevenue) on Saturdays into Providence. According to the data for the 1963 winter test week, 7.2 percent of the head count passengers are nonrevenue. If we were to adjust for this factor, the result would be an average of 63 revenue passengers. This is considerably more than the average of 44 passengers carried on train 521 during the first ten months of 1963.

Taking off train 525 only does not provide an adequate solution to the problem. Obviously, the cars which make up the train must be returned to New London somehow to be able to operate from that point to Providence. The carrier's cost witness testified that the expense of returning the cars to New London in nonrevenue service is approximately as much as of operating them in revenue service. Therefore, the critical question is whether the public requires the service afforded by train 508 on Saturday mornings. The record does not disclose the transportation needs of the persons who use the trains on Saturdays. Indeed, no witness testified to using the Saturday trains or expressed support for their continuance. In these circumstances, we are not persuaded that the public convenience and necessity require continuance of any Saturday service.

B. Service to Connecticut points. The test week data reveal that fewer than five percent of the passengers who use the subject trains board or detrain at points in Connecticut.¹⁷ When the 508 reaches Westerly an average of less than ten passengers are aboard.

¹⁷The number of passengers using the subject trains is shown by stations on Appendix D.

Most of these passengers board at New London where the daily boardings in the test weeks ranged from an average of 6.2 to 9.0 passengers. Boardings at Stonington and Mystic average less than one per day. Two of the points, Noank and West Mystic, generate no traffic whatsoever. In the reverse direction the picture is even worse; as shown in Appendix D, when the 521-525 leaves Westerly for the balance of its run, there is an average of only one to one and a half passengers aboard. The correspondence section of the docket file in this proceeding shows communications from the City of New London, the Mystic Chamber of Commerce, and letters or petitions signed by 21 individuals from Connecticut in opposition to the proposed discontinuance. Yet no Connecticut community entered an appearance at the hearing,¹⁸ and, of the 30 persons who testified at the hearing that they use the subject trains at least occasionally, not one was from Connecticut. Although the State of Connecticut appeared at the hearing and participated in the cross-examination of the New Haven's witnesses, it offered no witness of its own and filed no brief. The New Haven operates numerous passenger trains throughout the day between New London and points east and west, including Providence and Boston. Though not suitable for morning commuters, these trains should be more than adequate for the needs manifested by the named Connecticut communities, considering that it is but a short highway distance from the intermediate towns to

¹⁸The correspondence section of the docket contains a letter from the city manager of New London, dated January 14, 1964, indicating that a snowstorm on the previous day prevented his appearance at the hearing in Providence. However, the hearing continued through January 17 without an appearance from New London.

either New London or Westerly, and that some local bus service is available. While it is true that without the services of the subject trains at the Connecticut points, a few individuals would find traveling less convenient, we cannot, on the record before us, find that continuance of such service is required by public convenience and necessity.

C. Westerly-Providence. Appendix D shows that the hard core of the traffic on the subject trains is between Westerly and Providence and that this traffic is on the increase. Kingston is by far the heaviest traffic generating point, a daily average of 45.2 passengers having boarded the 508 at that point during the 1963 winter test week and 47.8 during the 1962 summer test week. Westerly is second with a daily average of 32.2 passengers boarding there during the 1963 winter test week and 17.0 during the 1962 summer test week. Except at East Greenwich, there is currently no adequate alternate means of transportation, public or private, on this segment. The carrier claims that service between Westerly and Providence five days a week would incur an excess of expenses amounting to \$37,396. With the adjustments previously discussed and found warranted this figure would be reduced to \$20,809.¹⁹ These figures would be somewhat lower if appropriate consideration were given to additional revenues from traffic growth.

After weighing all the pertinent considerations, we are convinced that, at present, commuter service between Westerly and

¹⁹The details are in Appendix E.

Providence is required by the public convenience and necessity. The burden on the carrier of continuing such service for the statutory period of one year would not be undue and would not affect its ability to continue adequate and efficient transportation service. However, to support maintenance of the service, it will be incumbent upon the inhabitants of the communities concerned to utilize the trains and continue the upward trend in traffic experienced in the recent past.²⁰ On the other hand, the carrier has an obligation to employ every reasonable means to limit the costs of operating these trains.

It is noted that No. 176 from Washington, D. C., to Boston, with stops at New London, Westerly, Kingston and Providence, operates approximately 1½ hours earlier than the 508; and that No. 29 from Boston to New York City, with stops at the same four points, operates about a half hour earlier than No. 521. At their present schedules, these two main-line trains are unsuitable for most of the commuter traffic with which we are here concerned; and, as indicated in the record, difficulties in coordinating No. 176 with its Washington connection at New York City may render that train unreliable for commuter service. But if some adjustment in their time schedules were feasible, and additional stops could be made at Wickford Junction and East Greenwich, to accommodate the commuters, worthwhile economies could be attained, while essential service would be preserved. The carrier should explore these and all other means possible for attaining the two-pronged results desired.

²⁰The carrier has made no study to ascertain what fare would be necessary to achieve a break-even point or some profit on the subject trains.

The morning commuter train, 508, provides a more vital service²¹ than does the return train in the afternoon, since other service is available from Providence to the important points of Kingston and Westerly. Accordingly, the carrier should seek means by which it could economically retain train 508 in service, perhaps by adjusting the schedule of No. 29 (as above suggested), and joining the 521's cars to it for the return trip.

Contentions of the parties as to fact or law not specifically discussed herein have been given consideration and found to be without material significance or not justified.

We find that the operation by The New York, New Haven and Hartford Railroad Company (Richard Joyce Smith, William J. Kirk, Harry W. Dorigan, Trustees) of passenger trains 508 and 521 between Westerly, R. I., and Providence, R. I., Monday through Friday, is required by the public convenience and necessity and will not unduly burden interstate or foreign commerce.

We further find that, except to the extent indicated above, the operation of passenger trains 508, 521, and 525 between New London, Conn., and Providence, R. I., is not required by public convenience and necessity and that the continued operation thereof would constitute an undue burden upon interstate commerce.

²¹ Data submitted by the carrier, as adjusted to eliminate expenses not recognized, in accordance with our prior discussions herein, show that the excess of expenses incurred in operating the 508 in 1962 and the first ten months of 1963 were \$844 and \$1,301, respectively, and that in 1961 there was an excess of revenues amounting to \$4,244.

F. D. No. 22782

An appropriate order will be entered requiring the carrier to continue operation of the aforesaid trains to the extent indicated for a period of one year from the date hereof and discontinuing the investigation.

APPENDIX A

Schedule of Trains Nos. 508, 521, and 525 between New London,
Conn., and Providence, R. I.

Train 508 (Mon.-Sat.)

<u>Point</u>	<u>Time</u>	<u>Miles</u>	<u>City or Town</u>	<u>1960 Population</u>
Lv. New London, Conn.	7:22a.m.	0	New London	34,182
Noank	7:32	7.07	Groton	29,937
West Mystic	7:34	8.57		
Mystic	7:36	9.57	Stonington	13,969
Stonington	7:41	12.57		
Westerly, R. I.	7:49	18.0	Westerly	14,267
Shannock	8:01	30.07	Richmond	1,986
Kenyons	8:04	30.57		
Kingston	8:11	35.0	South Kingstown	11,942
Wickford Junct.	8:19	42.5	North Kingstown	18,977
East Greenwich	8:27	48.5	East Greenwich	6,100
Arr. Providence, R. I.	8:47	62.0	Providence	207,498

<u>Point</u>	<u>Time</u> <u>Train 521 (Mon.-Fri.)</u>	<u>Train 525 (Sat.)</u>
Lv. Providence, R. I.	5:15p.m.	2:00p.m.
East Greenwich	5:30	2:14
Wickford Junction	5:38	2:21
Kingston	5:47	2:29
Kenyons	5:52	2:34
Shannock	5:55	2:38
Westerly	6:07	2:50
Stonington, Conn.	6:14	2:57
Mystic	6:19	3:02
West Mystic
Noank
Arr. New London, Conn.	6:31	3:15

APPENDIX C

ESTIMATED LOSS IN REVENUES AND SAVING IN EXPENSES FROM DISCONTINUANCE OF TRAINS 508, 521, and 525, BETWEEN NEW LONDON, CONN., AND PROVIDENCE, R. I.

	<u>Carrier's Submission</u>	<u>Adjustments</u>	<u>Amount Recognized</u>
Loss of Revenues (Passenger)			
Direct	\$34,759	-	\$34,759
Dependent	6,876	-	6,876
Reverse Traffic (loss on other items)	<u>19,427</u>	<u>-</u>	<u>19,427</u>
Total loss of Revenues	\$61,062	-	\$61,062
Saving in Expenses			
Crew Wages	30,901	-	30,901
Repairs	26,889	-	26,889
Depreciation	7,503	-	7,503
Train fuel	6,911	-	6,911
Enginehouse	5,149	-	5,149
Train supplies	10,287	-	10,287
Interest on investment	9,057	9,057	-
Maintenance of way	571	571	-
Injuries to persons (Maint.)	667	-	667
Station supplies	84	-	84
Stationery and printing	405	-	405
Clearing wrecks	11	-	11
Damage to property	27	-	27
Injuries to persons	1,968	1,968	-
Insurance	<u>190</u>	<u>-</u>	<u>190</u>
Total savings in expenses	\$100,620	\$11,596	\$89,024
Savings in expenses related to dependent revenues	3,438	3,438	-
Savings in expenses related to reverse traffic	9,713	9,713	-
Additional expenses to be incurred on other trains	<u>(4,526)</u>	<u>(4,526)</u>	<u>-</u>
Grand total savings in expenses	\$109,245	\$20,221	\$89,024
Excess of saving in expenses over loss of revenues	\$48,183	\$20,221	\$27,962

APPENDIX D
NUMBER OF PASSENGERS BOARDING ON LEAVING
TRAINS 508, 521, AND 525 DURING TEST WEEKS

	1961 Winter Test Week				1962 Summer Test Week				1963 Winter Test Week			
	On	Daily	Weekly	Off	On	Daily	Weekly	Off	On	Daily	Weekly	Off
New London, Conn.	51	8.5	3	.5	54	9.0	3	.5	37	6.2	5	1
Wash. Mystic	0	0	0	0	0	0	0	0	0	0	0	0
Mystic	0	0	0	0	0	0	0	0	0	0	0	0
Stonington	3	.5	3	.5	4	.7	1	.2	5	.8	3	.5
Westerly, R. I.	3	1	3	1.5	7	1.2	2	1.2	1	.2	0	.5
Shannock	180	26.7	21	3.5	102	17.0	25	4.2	193	32.2	30	3.3
Keaton	13	2.2	9	1.5	1	.2	0	0	8	1.3	3	1.5
Kingston	239	39.8	50	8.3	287	47.8	35	5.8	271	45.2	41	6.8
Wickford Jct.	43	7.2	54	9.0	56	9.3	66	11.0	34	5.7	45	7.5
East Greenwich	96	16.0	111	18.5	89	14.8	105	17.5	104	17.3	117	19.5
Providence (or beyond)	248	41.3	595	99.2	228	38.0	584	97.3	234	39.0	648	106.0

* Train 508
** Trains 521 and 525
*** Providence "On" figures reflect traffic on trains 521 and 525. The "Off" figures are train 508 traffic

Note: Because of their small total the number of passengers not traveling to or from Providence is not shown.

APPENDIX E

ESTIMATED REVENUES AND EXPENSES
INCURRED IF TRAINS 508 AND 521 CONTINUE TO
OPERATE BETWEEN WESTERLY AND PROVIDENCE, MONDAY-FRIDAY

	<u>Carrier's Submission</u>	<u>Adjustments</u>	<u>Amount Recognized</u>
Revenues (Passenger)			
Direct	\$29,403	-	\$29,403
Dependent	3,999	-	3,999
Reverse traffic on other trains	15,403	-	15,403
Total revenues	<u>\$48,805</u>	<u>-</u>	<u>\$48,805</u>
Expenses			
Crew wages	29,380	-	\$29,380
Repairs	17,595	-	17,595
Depreciation	6,468	-	6,468
Train fuel	4,086	-	4,086
Enginehouse	4,956	-	4,956
Train supplies	6,083	-	6,083
Interest on investment	7,807	\$7,807	-
Maintenance of way	525	525	-
Injuries to persons (maint.)	436	-	436
Station supplies	84	-	84
Stationery and printing	339	-	339
Clearing wrecks	9	-	9
Damage to property	22	-	22
Injuries to persons (transp.)	1,645	1,645	-
Insurance	156	-	156
Total expenses	<u>\$79,591</u>	<u>\$9,977</u>	<u>\$69,614</u>
Expenses related to dependent revenues	2,000	2,000	-
Expenses related to reverse traffic	7,701	7,701	-
Reduction in expenses of other trains	(3,091)	(3,091)	-
Grand total expenses	<u>\$86,201</u>	<u>\$16,587</u>	<u>\$69,614</u>
Excess of expenses	\$37,396	\$16,587	\$20,809

APPENDIX F

F. D. No. 22782

Estimated Number of Revenue Passengers Carried On Trains To Be Discontinued
New London - Providence Line

	Train Number			Total Study Trains
<u>1961</u>	<u>508</u>	<u>521</u>	<u>525</u>	
Jan.	2,609	1,237	88	3,934
Feb.	2,578	1,111	83	3,772
Mar.	3,109	1,322	71	4,802
Apr.	2,817	1,004	114	3,935
May	3,169	1,018	62	4,269
June	3,505	1,203	57	4,465
July	3,071	988	75	4,134
Aug.	3,399	907	46	4,352
Sept.	2,481	843	54	3,378
Oct.	2,615	1,008	83	3,706
Nov.	2,481	945	51	3,477
Dec.	<u>2,377</u>	<u>797</u>	<u>95</u>	<u>3,269</u>
Year	34,231	12,383	879	47,493
<u>1962</u>				
Jan.	2,560	1,011	60	3,631
Feb.	2,395	977	76	3,448
Mar.	2,572	972	72	3,616
Apr.	2,401	906	51	3,358
May	2,627	1,016	42	3,685
June	2,643	927	69	3,639
July	2,770	912	68	3,750
Aug.	3,118	900	48	4,066
Sept.	2,529	787	57	3,367
Oct.	2,792	1,115	45	3,952
Nov.	2,517	982	101	3,600
Dec.	<u>2,481</u>	<u>833</u>	<u>101</u>	<u>3,415</u>
Year	31,399	11,338	790	43,527
<u>1963</u>				
Jan.	2,617	1,072	73	3,762
Feb.	2,447	946	65	3,458
Mar.	2,340	1,049	117	4,006
Apr.	2,788	971	72	3,831
May	2,886	1,047	75	4,008
June	2,622	788	79	3,489
July	2,944	952	66	3,962
Aug.	3,031	806	75	3,912
Sept.	2,676	861	57	3,594
Oct.	<u>2,873</u>	<u>971</u>	<u>73</u>	<u>3,917</u>
Ten Months	27,744	9,463	752	37,959

ORDER

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 3,
held at its office in Washington, D. C., on the 31st
day of March, A. D. 1964.

Finance Docket No. 22782

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. TRUSTEES
DISCONTINUANCE OF SERVICE
BETWEEN NEW LONDON, CONN., AND PROVIDENCE, R. I.

Investigation of the matters and things involved in this proceeding having been made pursuant to the order of said Division, dated October 18, 1963, a hearing having been held, and said Division, on the date hereof, having made and filed a report containing its findings of fact and conclusions thereon; which report is hereby referred to and made a part hereof:

It is ordered, That The New York, New Haven and Hartford Railroad Company (Richard Joyce Smith, William J. Kirk, Harry W. Dorigan, Trustees) be, and it is hereby, required to continue the operations of trains Nos. 508 and 521 between Westerly, R. I., and Providence, R. I., Monday through Friday, for a period of one year from the date hereof;

It is further ordered, That this investigation be, and it is hereby, discontinued effective 35 days from the date of service of this order.

By the Commission, Division 3.

HAROLD D. McCOY
Secretary

(SEAL)

DEPT. OF TRANSPORTATION
PROVIDENCE, R. I.

APR 3 2 32 PM '64

City of Providence
 DEPARTMENT OF MILK INSPECTION
 C. V. Chapin Hospital
 153 Eaton Street, Providence, R.I.

April 16, 1964

To the Honorable, The City Council of the City of Providence, Gentlemen:

The following list of individuals, firms, companies, corporations, etc., with the approval of the Inspector of Milk, respectfully request licenses to sell milk, cream and skimmed milk in the City of Providence,

IN CITY COUNCIL

APR 16 1964

READ AND GRANTED

Vincent Vespia
 CLERK

Respectfully submitted, .

Richard S. McKenzie
 Richard S. McKenzie,
 Deputy Inspector of Milk

687 HARVARD DAIRY
 LAWRENCE J. MOTTA
 165 Vincent Avenue
 East Providence, R.I.

766 JERRY'S RESTAURANT
 238 Atwells Ave.
 Providence, R.I.

739 AUGIE'S LUNCH & CATERING
 42 A STREET
 CRANSTON, R.I.

767 ANTONELLI'S
 139-139 1/2 ATWELLS AVENUE
 PROVIDENCE, R.I.

763 ANDERSON'S RESTAURANT
 2 ARCADE BUILDING
 PROVIDENCE, R.I.

768 JOHNNY'S CATERING SERVICE
 238 ATWELLS AVENUE
 PROVIDENCE, R.I.

764 BILLY'S LUNCH
 BALDO VOLPI
 116 ATWELLS AVENUE
 PROVIDENCE, R.I.

769 FEDERAL GRILLE
 SALVATORE M. CACCHIOTTI
 294 Atwells Avenue
 Providence, R.I.

765 GRAND UNION MARKET
 130 ATWELLS AVENUE
 PROVIDENCE, R.I.

770 HILL HOUSE RESTAURANT
 390 ATWELLS AVENUE
 PROVIDENCE, R.I.

- 771 SMITH'S, INC.
391 ATWELLS AVENUE
PROVIDENCE, R.I.
- 772 MONTI'S SPA
ANTHONY A. MONTI
459 Atwells Avenue
Providence, R.I.
- 773 EAGLE CREAMERY
968 ATWELLS AVENUE
PROVIDENCE, R.I.
- 774 SAL'S CATERING
SALVATORE BUGLIO
1049 Atwells Avenue
Providence, R.I.
- 775 J & C VARIETY
87 Bogman Street
Providence, R.I.
- 776 J & M LUNCHEONETTE
89 BUCKLIN STREET
PROVIDENCE, R.I.
- 777 LITTLE BEAR MARKET
412 CAHILL STREET
PROVIDENCE, R.I.
- 778 HOSPITAL SERVICE CORP. OF R.I.
31 Canal St.
Providence, R.I.
- 779 PROVIDENCE CATERING CO.
1113 CHARLES STREET
NO. PROVIDENCE, R.I.
- 780 CHESTNUT STREET SPA
135 CHESTNUT STREET
PROVIDENCE, R.I.
- 781 U.S. RUBBER CO.
VEND. MACHINE - BLDG. 35
10 EAGLE STREET
PROVIDENCE, R.I.
- 782 U. S. RUBBER CO.
VEND. MACHINE - BLDG. 51
10 EAGLE STREET
PROVIDENCE, R.I.
- 783 U. S. RUBBER CO.
VENDING MACHINE - CAFETERIA
10 EAGLE STREET
PROVIDENCE, R.I.
- 784 EKROTH'S
2102 ELMWOOD AVENUE
WARWICK, R.I.
- 785 THE SENATE CAFE
35 Exchange Place
Providence, R.I.
- 786 HAVEN BROS DINER
ALBERT MOLLICONE
Fulton Street
Providence, R.I.
- 787 MARCELLO'S RESTAURANT, INC.
146 GANSETT AVENUE
CRANSTON, R.I.
- 788 NARRAGANSETT ELECTRIC CO.
280 MELROSE STREET
PROVIDENCE, R.I.
- 789 LILLIAN'S FROZEN LEMONADE
1234 MINERAL SPRING AVENUE
NO. PROVIDENCE, R.I.
- 790 PLANTE'S FRUIT MARKET
WM. A. PLANTE
18 Mt. Pleasant Avenue
Providence, R.I.
- 791 VINNIE'S CATERING
VINCENT DI PALMA
48 Mt. Pleasant Avenue
Providence, R.I.
- 792 TRIO'S SPA
90 MT. PLEASANT AVENUE
PROVIDENCE, R.I.
- 793 T EDDY'S GRILL
THEODORE MARSHALLIS
8 Olneyville Square
Providence, R.I.
- 794 Sadie's Restaurant
112 Orange Street
Providence, R.I.
- 795 BALLARD'S ISLE
60 Pine Street
Providence, R.I.
- 796 CAMPBELL'S MARKET
380 PINE STREET
PROVIDENCE, R.I.
- 797 ROBERT MALOUIN
Bell's Market
435 Pine Street
Providence, R. I.
ANDREW MURPHY
The Calton Pharmacy
465 Pine Street
Providence, R. I.
- 798

- 799 PAUL'S LEMONADE
131 REGENT AVENUE
PROVIDENCE, R.I.
- 800 STOP and SHOP OF R.I.
361 Reservoir Avenue
Providence, R.I.
- 801 SEGAL'S PHARMACY, INC.
COR. UNION & WEBSTER AVE.
PROVIDENCE, R.I.
- 802 COCOANUT GROVE CAFE
JOSEPH RUCCI
207 Union Avenue
Providence, R.I.
- 803 JOHN JACKSON, JR.
1696 Warwick Avenue
Warwick, R.I.
- 804 WASHINGTON LUNCH, INC.
170 Washington Street
Providence, R.I.
- 805 ALICE'S RESTAURANT
184 Washington Street
Providence, R.I.
- 806 MOHICAN RESTAURANT
344 WASHINGTON STREET
PROVIDENCE, R.I.
- 807 ERNEST W. MORIN
81 WENDELL STREET
PROVIDENCE, R.I.
- 808 WESTMINSTER PROV. REST., INC.
142 WESTMINSTER STREET
PROVIDENCE, R.I.
- 809 WALDORF SYSTEM INC.
160 Westminster Street
Providence, R.I.
- 810 LAPHAM COFFEE SHOP, INC.
290 WESTMINSTER STREET
PROVIDENCE, R.I.
- 811 ARMAND'S RESTAURANT, INC.
358 WESTMINSTER STREET
PROVIDENCE, R.I.
- 812 KATHRYN PAPPAS
395 Westminster Street
Providence R. I.
- 813 ~~808~~ PARIS RESTAURANT
721-725 WESTMINSTER STREET
PROVIDENCE, R.I.
- 814 PARKY'S RESTAURANT
773 WESTMINSTER STREET
PROVIDENCE, R.I.
- 815 TOM'S RESTAURANT
865 WESTMINSTER STREET
PROVIDENCE, R.I.
- 816 CONEY ISLAND LUNCH
1115 WESTMINSTER STREET
PROVIDENCE, R.I.
- 817 FRIENDLY CATERERS
QUERINO SIMIONE
1199 Westminster Street
Providence, R.I.
- 818 JERRY'S VARIETY
1201 WESTMINSTER STREET
PROVIDENCE, R.I.
- 819 PALM GARDENS REST., Inc.
1339 Westminster Street
Providence, R.I.
- 820 MARSHALL SPA
1365 WESTMINSTER STREET
PROVIDENCE, R.I.
- 821 LOUIS FORTINI
1389 Westminster Street
Providence, R.I.
- 822 JOSEPH ZAMBARANO
1455 Westminster Street
Providence, R.I.
- 823 FLO'S NEW YORK SYSTEM
1516 WESTMINSTER STREET
PROVIDENCE, R.I.
- 824 LEONARD'S MARKET
1543 WESTMINSTER STREET
PROVIDENCE, R.I.
- 825 JOSEPH F. SWEET
1693 Westminster Street
Providence, R.I.
- 826 OLYMPIA LUNCH
1837 WESTMINSTER STREET
PROVIDENCE, R.I.

827 KENNEDY & CO., INC.
1931 WESTMINSTER STREET
PROVIDENCE, R.I.

828 WEYBOSSET PURE FOOD MARKET
ALBERT H. DALY, JR., PRES.
70 Weybosset Street
Providence, R.I.

829 PARKY'S RESTAURANT
84 WEYBOSSET STREET
PROVIDENCE, R.I.

830 CAMPBELL'S RESTAURANT
212 Weybosset Street
Providence, R.I.

831 White Front Lunch
401 Weybosset Street
Providence, R.I.