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No. 165.

IN THE MATTER OF THE PETITION OF THE BOROUGHS OF  
ROSELLE AND ROSELLE PARK, CONCERNING A CHANGE IN  
LOCATION OF THE RAILROAD STATION ON THE LINE OF  
THE CENTRAL RAILROAD OF NEW JERSEY KNOWN AS  
“ALDENE.”

The Board does not regard moving the station at Aldene, a distance of approximately one quarter of a mile, as an abandonment, as defined in Chapter 195, Laws of 1911.

Weighing all the advantages of the new location, as against the disadvantages, and keeping in mind the necessity for a relocation, the Board is of the opinion that it would not be justified in interfering with the exercise by the Company of its discretion in the matter.

*Louis B. Evert*, for the petitioners.

*C. W. Huntington*, for the respondent.

## Aldene Station—C. R. R. of N. J.

Petition filed October 14th, 1913.

Hearing at Trenton November 11th, 1913.

The petition herein recites that the Central Railroad Company of New Jersey is moving the railroad station known as Aldene from its present location to a point nearly a quarter of a mile west thereof, and beyond the borough limits of Roselle Park. The petitioners allege that said removal will prove a detriment to the community, a hardship to the patrons of the road, and will cause public inconvenience.

The petition was referred to Charles D. McKelvey, Inspector of the Board, and under date of October 29th he reported as follows:

"In connection with the petition from the **Taxpayers and citizens of the Boroughs of Roselle and Roselle Park** against the removal of Aldene Station, would say that the old station is to be abandoned and a new one built in its place 1,130 feet west of the old one. This removal became necessary on account of the track which is now being used by the Rahway Valley being required for a freight track, or an additional one for the Central. In the new arrangement the Rahway Valley train stays on its own rails instead of using the Central's track as heretofore.

In looking over the ground, I find there are about fifty houses lying east of the station. These people, when using the trains, would be obliged to walk eleven hundred feet farther to the new station. There are ten houses just west of station, whose inhabitants would walk about three hundred feet farther to the new station. There are twenty houses still farther west who would be nearer the new station. There are about twenty-five houses south of or opposite old station who could as well use the new station.

I learn there are seventy-seven commuters from this station. The new station and shelter shed opposite should be completed within the next thirty days. In the interest of safe operation, I **RECOMMEND** that the railroad company be permitted to change the location of Aldene Station, upon the conditions that an overhead passenger bridge and an intertrack fence be built."

The respondent company in its answer alleges that the station in its original location occupied land which belonged

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to the Lehigh Valley Railroad Company, and which was held under short time lease; that said land was sold to the Marconi Wireless Telegraph Company, whose works immediately adjoin it to the east, and that by reason of such sale further occupation of the land for station purposes is not possible.

The company also alleges that through an arrangement with the Rahway Valley Railroad Company the old station was used jointly by means of track number 6, then a side track, which ran from the junction to the station; that such an arrangement will no longer be continued because of the necessity of using track number 6 as a west-bound running track, which will expedite moving all passenger and freight trains generally. It also alleges that it has selected the nearest and most available location for the new station, which will be situated in the fork of the Rahway Valley Railroad and the tracks of the Central Railroad, and that said location will permit transfers from one line to another; without the necessity of the Rahway Valley trains occupying the tracks of the Central Railroad. It is further stated in the answer of the company that a shelter shed will be constructed on the opposite side of the tracks from the new station, and an overhead bridge constructed in accordance with the recommendation of the Inspector of the Board, and further that an intertrack fence will be built. It is claimed by the company that because of the drainage conditions the construction of a subway would be impracticable.

The authority to deal with the present case is found in Section 17, sub. (b), Chapter 195, Laws of 1911, which reads:

"The Board shall have power after hearing upon notice, by order in writing, to require every public utility as herein defined.

(b) To furnish safe, adequate and proper service, and to keep and maintain its property and equipment in such condition as to enable it to do so."

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Section 20 of the same act provides:

"No railroad company shall, without first obtaining the approval of the Board, abandon any railroad station, or stop the sale of passenger tickets, or cease to maintain an agent to receive and discharge freight at any station now or hereafter established in this State, at which passenger tickets are now or may hereafter be regularly sold, or at which such agent is now or may hereafter be maintained."

The Board of Railroad Commissioners, the predecessors of this Board, acting under authority of Chapter 197, laws of 1907, and Chapter 189, laws of 1909, supplementary thereto, said in its findings, "Concerning stational facilities at Mountain View on the line of the Erie Railroad Company," dated February 8th, 1910:

"Independent of statutory restriction the determination of the location of railroad stations rests in the discretion of the carrier. It lies within the power of the Legislature to compel a carrier to establish stations at places necessary for the convenience of the public, and it may delegate to a Commission the power to determine what stations are required.  
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"No general rule can be laid down as to what will constitute an abandonment of a railroad station under this statute. It is clear, however, that a change in the location of a station from one point to another in the same vicinity, does not, in general, constitute an abandonment. The case under consideration, therefore, involving as it does simply the setting back of the station a distance of some two hundred and fifty feet, does not fall within this section of the statute.

"The act creating this Board, Chapter 197, Laws of 1907, among other things confers upon the Board power to make all necessary orders requiring any railroad company operating in the State to furnish proper and adequate stations. The judgment of the Board is that under this section the exact location of a station should be left largely to the discretion of the company, subject to the condition that the station be so located as to reasonably serve the convenience of the public to be accommodated thereby.

"Unless the Board can, therefore, find that the station as proposed to be located by the carrier, would not reasonably serve the convenience of the public to be accommodated thereby, it cannot adjudge that the carrier does not furnish proper and adequate stations."

The Board does not regard the change in the location of the Aldene station as an abandonment, as defined in section

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20, Chapter 195, laws of 1911, so that the sole question presented is whether the proposed location of the station at a distance of eleven hundred and thirty feet westerly from the site of the present station, including the shelter shed and overhead bridge to be constructed, furnishes safe, adequate and proper service as required by the act.

The testimony in this case discloses:

(1) That the Central Railroad Company could no longer occupy the land upon which the old station was located, necessitating, therefore, a removal to some other point.

(2) That in order to secure safe operation the trains of the Rahway Valley Railroad should not be permitted upon the tracks of the Central Railroad.

(3) That the site selected by the respondent for the location of its new station serves both patrons of the Rahway Valley Railroad Company and the respondent company.

(4) That the new location of the Aldene station is nearly midway between Roselle and Cranford stations, making three stations within a distance of eleven thousand, three hundred and forty feet.

(5) That both the station and the shelter shed on either side of the tracks of the Central Railroad will be located within easy reach of highways, both of which are provided with trolley lines.

From the testimony it appears that a great many of the patrons of the Central Railroad using the Aldene station, and going daily to New York, will be obliged to traverse the extra distance of eleven hundred and thirty feet in reaching the new station.

The Board is not unmindful of the fact that any change in the location of a railroad station which has existed for a number of years, and which has determined, in some instances, the location of the homes of the patrons of the railroad, will cause some annoyance and inconvenience. In the Aldene station as an abandonment, as denned in section

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the present case the distance of removal is not such as to cause great hardship.

Weighing all the advantages of the new location against the disadvantages, and keeping in mind the necessity for a relocation of the Aldene station, the Board is of the opinion that it would not be justified in interfering with the exercise by the company of its discretion in the matter. The petition will be dismissed.

Dated February 3rd, 1914.