

File Unit - 002/002.01-16996.00.03



Series Nbr: 002.01
File Unit Nbr: 16996.00.03
Catalog #: STEA 7158
Accession #: STEA-00033
Category: CORRESPONDENCE
Dates: January-July 1938

Extent	
Count	[Count]1
Extent	[Extent]
Type of Unit	[Type of Unit]FOLDER

Title: DL&W RR--Correspondence--General Superintendent--16996: Connecting Track at Utica New York with West Shore RR (NYC Lines)

Add By: RED
Add Date: 9/8/2009 5:03:22 PM
Change By: RED
Change Date: 9/8/2009 5:08:22 PM
Location: 002/002.01-B15-083

Proc By	
Processed By	Pat McKnight
Processing Date	September 2009

Record Id: 50511

16996

July 6, 1938

Mr. A. A. Johnson:

Returning my letter June 7, with respect to removal of connecting track with the West Shore Railroad at West Utica.

The result of Superintendent Cizek's handling with the New York Central, in connection with the salvage, is explained in his letter to me July 5, as follows:

"Superintendent Wood of the New York Central confirmed our understanding that this Company had a one-half interest in track No. 3 at the West Shore crossing, built in 1902. This track, which I had Yardmaster Allen measure, is 64 rail lengths long, 60 lb. rail. Former Roadmaster Doyle took up the main track switch and 30 feet of track back of the frog. We still have the balance of one-half of the material coming to us, but this work has been deferred, as Superintendent Wood of the NYC told me, account the expense of taking it up. I am sending a copy of this letter to Roadmaster Lederman to be on the lookout for our share of the material in this track when taken up by the NYC people."

E.B.Moffatt.

2-h.

Binghamton, New York,
July 5th, 1938.

Mr. E. B. Moffatt:

Your letter of July 2nd, file 16996.

Superintendent Wood of the New York Central confirmed our understanding that this Company had a one-half interest in track No. 3 at the West Shore crossing, built in 1902. This track, which I had Yardmaster Allen measure, is 64 rail lengths long, 80 lb. rail. Former Roadmaster Doyle took up the main track switch and 30 feet of track back of the frog. We still have the balance of one-half of the material coming to us, but this work has been deferred, as Superintendent Wood of the NYC told me, account the expense of taking it up. I am sending a copy of this letter to Roadmaster Lederman to be on the lookout for our share of the material in this track when taken up by the NYC people.

Frankly
Superintendent

cc-T.Lederman

July 2, 1938

16996: West Shore Interchange - West Utica.

Mr. Frank Cizek:

Have you been able to arrive at any understanding with the New York Central concerning credit for salvage from materials removed in connection with the elimination of the West Shore Interchange at West Utica.

E.B.Moffatt.

2-h.

June 11, 1938

16996: West Shore Interchange - West Utica.

Mr. Frank Cizek:

Referring to yours June 6, regarding elimination of the West Shore Interchange at West Utica.

In my letter May 9, I stated that we had been requested by the Engineering Department to handle with the New York Central Railroad, with a view to obtaining half of the salvage from the materials removed in connection with the elimination of this track.

Did you raise the question with them and if so, what reply did you receive.

E.B.Moffatt.

2-h.

16996



June 7, 1938

Mr. A. A. Johnson:

Answering yours May 6, with respect to removal of our connection with the interchange track with the West Shore Railroad at Utica.

Roadmaster Doyle has advised Superintendent Cizek that the main line switch and 30 ft. of track back of the frog of track No. 3, 64 80# rails, built in 1902, has been removed.

Has the question of salvage referred to in your letter been settled with the New York Central or shall I again request Superintendent Cizek to handle further with that line.

E.B.Moffatt.

2-h.

OFFICE OF ENGINEER M. OF W.

Hoboken, N. J., June 6, 1938.

Mr. E. B. Moffatt:

Can you let me have reply to my memorandum of May 6th relative to removal of our connection with the West Shore just north of New Hartford?

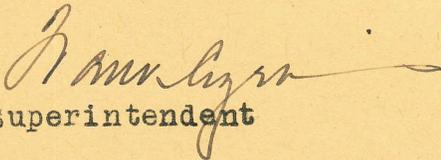
A. A. Johnson.

Binghamton, New York,
June 6th, 1938.

Mr. E. B. Moffatt:

Your letter of May 23rd, file 16996, regarding
elimination of West Shore Interchange at West Utica.

Former Roadmaster Doyle advises that in accordance
with instructions he took out our main line switch and 30 feet
of track back of the frog of track No. 3, built in 1902,
this track being 64 rails long of 80 lb. rail.


Superintendent

May 23, 1938

16996:

Mr. Frank Cizek:

What is the present situation with respect to the proposed elimination of the West Shore Interchange at West Utica.

Have you had advice from the New York Central as to whether or not they will allow us a proportion of the valuation of the salvage.

E.B.Moffatt.

2-h.

May 9, 1938

16996: West Shore interchange - Utica.

Mr. Frank Cizek:

Answering yours April 14, in which you quote from Superintendent Wood of the New York Central, concerning suggested elimination of the West Shore Interchange at West Utica.

According to records in our Engineering Department, we own exclusively the main track switch in our Utica Branch together with 30 ft. of track back of the frog. We also own half interest in one of the tracks beyond that point as covered by letter from Mr. A. H. Smith addressed to Mr. T. E. Clarke, then General Superintendent, dated June 22, 1910, reading in part as follows:

"Track #3 was built in 1902 of which you paid one-half the cost. Tracks #1 and #2 were built in 1884, but I find you did not share in the cost of building these tracks as I previously advised you and that they were built at the entire expense of the West Shore. However, we will make no point of this."

We, therefore, own half of the salvage in track #3 which would consist of rail and fastenings, together with second-hand usable ties.

We are requested to handle with the New York Central to see if we can obtain half of the salvage.

Please handle accordingly and advise.

E.B.Moffatt.

2-h.

Hoboken, N.J. May 6, 1938.

Mr. E. B. Moffatt:

Your letter of April 15th addressed to Mr. Ray concerning the removal of our connection with the interchange track with the West Shore just north of New Hartford:

According to our records we own exclusively the main track switch in our Utica Branch, together with 30 ft. of track back of the frog. We also own half interest in one of the tracks beyond that point as covered by letter from Mr. A. H. Smith addressed to Mr. T. E. Clarke, General Superintendent, under date of June 22nd, 1910, reading in part as follows:-

"Track #3 was built in 1902 of which you paid one-half the cost. Tracks #1 and #2 were built in 1884, but I find you did not share in the cost of building these tracks as I previously advised you and that they were built at the entire expense of the West Shore. However, we will make no point of this."

According to this we would own half of the salvage in track #3. The salvage would consist of rail and fastenings, together with second-hand usable ties.

Will you kindly take this up with the New York Central to see if we can obtain half of the salvage.

A. A. Johnson.

*Rec
Which*

April 15, 1938

Mr. G. J. Ray,

Vice President & General Manager.

Dear Sir:

Superintendent Cizek has had up with the New York Central People, the question of eliminating the West Shore Interchange at West Utica or New York Mills. He has now received from Superintendent W. H. Wood at Albany the following letter dated April 14:

"Referring to your letters of November 17 and December 21, 1937, relative to discontinuance of interchange with your road at West Utica, N.Y. (New York Mills on our line).

Our investigation develops that for some time past little use has been made of this facility and we therefore desire to eliminate this point as an interchange point, effective at once, and at the same time cancel the existing exchange of letters in June, July and August, 1910 covering the division of expense of maintaining these tracks (Contract Registry 7865-A)."

Mr. Cizek has acknowledged the letter to Mr. Wood and I agree with him that we should remove our portion of this connection. If you approve, I presume you will handle with the Engineering Department to arrange accordingly.

Yours truly,

2-h.

16996
N.Y. Blvd - (NSRR)
New York Mills

Binghamton, New York,
April 14th, 1938.

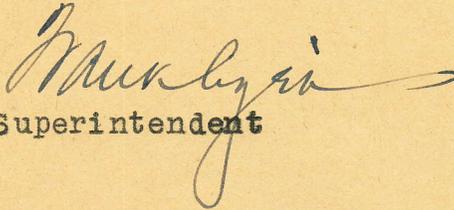
Mr. E. B. Moffatt:

With regard to our effort to eliminate the West Shore interchange that I have had up with the NYC people for some time, I am finally in receipt of letter from Superintendent W. H. Wood at Albany, dated April 14th, reading as follows:

"Referring to your letters of November 17 and December 21, 1937, relative to discontinuance of interchange with your road at West Utica, N.Y. (New York Mills on our line).

Our investigation develops that for some time past little use has been made of this facility and we therefore desire to eliminate this point as an interchange point, effective at once, and at the same time cancel the existing exchange of letters in June, July and August, 1910 covering the division of expense of maintaining these tracks (Contract Registry 7865-A).

I have acknowledge receipt thereof and I assume you will notify the Engineering Department to remove that portion of this connection that belongs to us.


Superintendent

16996

Ro

THE NEW YORK CENTRAL RAILROAD COMPANY

A.H. WRIGHT
ASSISTANT GENERAL MANAGER

SYRACUSE, N.Y.

January 12, 1938. sc

File 536.

~~30~~
No. 10 return
EBM
1/15
Mr. EBM
J.C. 1/16

Mr. E.B. Moffatt,
General Supt., DL&W RR Co.,
Scranton, Pa.

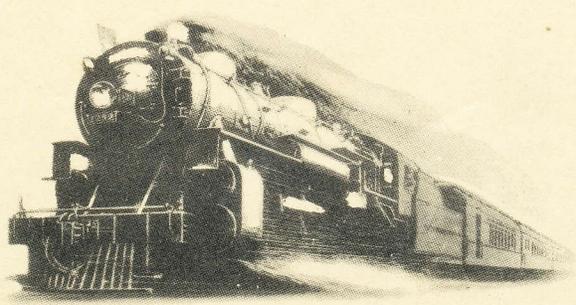
Dear Sir:

Referring to yours of January 10th, regarding discontin-
uance of interchange with your road at West Utica
(New York Mills on our line):

We have recently been making a study of this matter. It looks like we can discontinue the interchange. However, we have not yet quite concluded our correspondence on the subject. We expect we will be in position to definitely decide within a short time, and you will hear from us further in due course.

Yours very truly,

A. H. Wright



AMERICA'S PREMIER TRAIN - THE TWENTIETH CENTURY LIMITED

January 10, 1938.

Mr. A. H. Wright, Asst. Gen'l Mgr.,
New York Central Lines,
Syracuse, N.Y.

Dear Sir:

Our Superintendent at Binghamton, Mr. Cizek, has been in correspondence with your Superintendent Wood at Albany, in regard to removal of connection between the West Shore and the Lackawanna at West Utica.

This track has been but little used for interchange purposes, and so far as we are concerned it does not appear to be essential to retain it.

Will you please advise if you are agreeable to discontinuing the connection.

Yours truly,

EBM-4

January 12, 1938.

File 536

Mr. E. B. Moffatt,
General Superintendent,
DL&W RR.
Scranton, Pa.

Dear Sir:

Referring to yours of January 10th, regarding
discontinuance of interchange with your road at West
Utica (New York Mills on our line).

We have recently been making a study of this matter.
It looks like we can discontinue the interchange. However,
we have not yet quite concluded our correspondence on the
subject. We expect we will be in a position to definitely
decide within a short time, and you will hear from us further
in due course.

Yours very truly,

A.H.Wright.

F.C.

Note and return.

EBM 1/15

COPY

File Unit - 002/002.01-16996.00.04



Series Nbr: 002.01
File Unit Nbr: 16996.00.04
Catalog #: STEA 7158
Accession #: STEA-00033
Category: CORRESPONDENCE
Dates: October 1917 - December 1923

Extent	
Count	[Count]1
Extent	[Extent]
Type of Unit	[Type of Unit]FOLDER

Title: DL&W RR--Correspondence--General Superintendent--16996: Utica, NY - Derailment of DL&W 70688 and DL&W 78770
Add By: RED
Add Date: 9/8/2009 5:03:22 PM
Change By: RED
Change Date: 9/8/2009 5:08:22 PM
Location: 002/002.01-B15-084

Proc By	
Processed By	Pat McKnight
Processing Date	September 2009

Record Id: 50512

16996

December 1, 1923.

16996 New York Central - Syracuse.

Mr. Frank Cizek,

Superintendent - Binghamton.

Dear Sir:

Referring to yours November 16 and 23, and returning letter from Superintendent Fleming of the N.Y.C. R.R. regarding responsibility for derailment of DL&W 70688 while being handled by NYC engine 391 in their yard at Utica, October 9, 1923.

I agree that responsibility for this accident rests entirely with the New York Central, who should assume all of the expense in connection therewith.

Yours truly,

2-L.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

Binghamton, New York,
November 23rd, 1923.

Mr. H. H. Shepard:

Your letter of the 19th, file 16996, with regard to derailment of DL&W 70688 in NYC Yard at Utica while being handled by their engine #391, October 9th.

We have an agreement with NYC Railroad made under date of September 11th, 1915, jointly with NYO&W, covering construction, maintenance and operation of interlocking plant at that point, Section 8 of this agreement reading in part as follows:

"The parties hereto shall be severally and not jointly responsible for loss or damage to property and injury to person, to whomsoever belonging or occurring, which may be caused by the fault of employes solely in their own service or by defect in equipment in their charge. As the switching service incident to said freight interchange is divided approximately equally between the parties hereto, therefore, freight cars shall be deemed in the custody of that party whose engine is handling same, irrespective of ownership or of whether or not said cars are deemed delivered to the other party."

It seems to me the latter part of this paragraph covers the particular case in point and absolves us of responsibility. If you agree with me, please advise and I will so notify Superintendent Fleming.

Ido

Superintendent.

November 19, 1923.

16996: New York Central - Syracuse.

Mr. Frank Cizek,
Superintendent.

Dear Sir:

Replying to yours November 16 regarding derailment of DL&W 70688 in the N.Y.C. Yards at Utica while being handled by their engine No. 391 on October 9, cause of same said to have been due to sharp flange on car.

Your letter of January 14, 1918, file A-5266, refers to a similar derailment which later developed to have been caused by defective switch point account of which the N.Y.C. assumed their own expense of rerailling the car. At that time you expressed the opinion that we were responsible under the terms of our contract. To what contract did you refer and was any investigation made in connection with the recent derailment to develop whether the same conditions did not exist as in 1918. Please advise.

Yours truly,

2-G

November 19, 1923.

16996: New York Central - Syracuse.

Mr. Frank Cizek,
Superintendent.

Dear Sir:

Replying to yours November 16 regarding derailment of DL&W 70688 in the N.Y.C. Yards at Utica while being handled by their engine No. 391 on October 9, cause of same said to have been due to sharp flange on car.

Your letter of January 14, 1918, file A-5266, refers to a similar derailment which later developed to have been caused by defective switch point account of which the N.Y.C. assumed their own expense of rerailing the car. At that time you expressed the opinion that we were responsible under the terms of our contract. To what contract did you refer and was any investigation made in connection with the recent derailment to develop whether the same conditions did not exist as in 1918. Please advise.

Yours truly,

2-G

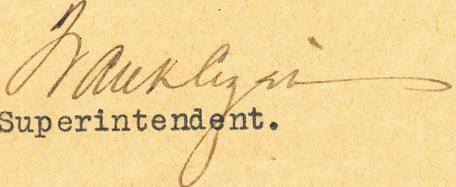
THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

Binghamton, New York,
November 16th, 1923.

Mr. H. H. Shepard:

Note correspondence I have had with Supt. Fleming of NYC with regard to derailment of DL&W 70688, a car that was picked up in our yard by their own engine and crew in interchange movement, derailing after it arrived on NYC tracks due to sharp flange, wheel mounting rail.

I cannot agree with Superintendent Fleming that we are responsible in this case and am referring the matter to you for ruling.


Superintendent.

103-404

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

November 1st, 1923.

Mr. D. B. Fleming,
Supt., NYC Railroad,
Albany, New York.

Dear Sir:

Your letter of October 29th, file A-21, asking if we will accept bill covering cost of repairs to car and track caused by derailment of DL&W 70688 in drag being handled by engine #391 from our yard to yours, October 9th, on track #16 in Utica Yard, due to sharp flange.

This was not a DL&W drag but was NYC engine #391, manned by your crew, so it was an NYC proposition pure and simple and I do not see how we figure in it at all, and so far as damage to car is concerned, that will be taken care of under MCB Rules.

Yours truly,

Superintendent.

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

Operators are required to write all telegrams in INK or with INDELIBLE PENCIL. (See Rules 261, 262, 263, 264 and 268, Transportation Department.)

Office Rec'd from.	Sent by	Rec'd by	Time Rec'd	TELEGRAM	Office Sent to	Sent by	Rec'd by	Time Sent
				TIME FILED				M

DO NOT USE TELEGRAPH WHEN MAIL WILL ANSWER THE PURPOSE.**BE BRIEF.***From*

192

To

Wn G Utica 10-30-23

FC

Your wire date re DLW Eng 391 derailing DL&W 70688 on track 16 Oct. 9th This was NYC engine and crew handling tfr from our yard to Their yard and pulling in on Track 16 in their yard Have not had anything on this report before as track 16 is in NYC Yard.

GBA

155p

THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

Operators are required to write all telegrams in INK or with INDELIBLE PENCIL. (See Rules 261, 262, 263, 264 and 268, Transportation Department.)

Office Rec'd from	Sent by	Rec'd by	Time Rec'd	TELEGRAM	Office Sent to	Sent by	Rec'd by	Time Sent

DO NOT USE TELEGRAPH WHEN MAIL WILL ANSWER THE PURPOSE.

192

BE BRIEF.

From Binghn, N.Y., 10-30-23

To GBA--Utica

NYC advise that on Oct. 9th DL&W engine 391 with pull car DL&W 70688 derailed due to sharp flange on car, wheels mounting rail at frog, and they are asking if we will accept bill covering cost of repairs to car and track. Have no report from you on this accident. Investigate at once and let me have full particulars with T-2 report to cover.

FC.



THE NEW YORK CENTRAL RAILROAD COMPANY

OPERATING DEPARTMENT

D. B. FLEMING
SUPERINTENDENT

F. S. RISLEY
ASS'T SUPERINTENDENT

ALBANY, N. Y.

October 29, 1923.

A-21

Mr. Frank Cizek,
Supt. DL&W RR,
Binghamton, N. Y.

Dear Sir:

On October 9th, DL&W engine 391 with pull of cars from DL&W coming off base line on to track 16 at Utica, had car DL&W 70688 derailed due to sharp flange on car, the wheels mounting rail at frog.

Please advise if you will accept bill covering cost of repairs to car and track.

Yours truly,

A handwritten signature in cursive script, appearing to read "D. B. Fleming".

16996

January 30, 1918.

Mr. Frank Gizek,
Superintendent.

Dear Sir:

Your letter of January 14th, in regard to expense of \$16.30 for retracking DL&W 78770 in New York Central Yard at Utica for which the New York Central are asking authority to bill us.

You will please inform them that our advice is to the effect that derailment was caused by defective switch point and as track at this point is where the New York Central people should keep it up, and they have allowed same to become defective, causing derailments, the responsibility is theirs and not ours, and under the circumstances we cannot accept their bill for re-railing the car.

Yours truly,

4-G

A-5266

10-8
Binghamton, New York,
January 14th, 1918.

Mr. C. J. Phillips:

Your letter of the 11th with regard to expense of \$16.30 for retracking DL&W 78770 in New York Central Yard at Utica, for which they are asking authority to bill us.

This case was reported to you in my letter of October 22nd, copy of which is attached.

All that we know about sharp flange on this car is report we received from NYC that derailment was due to sharp flange, and we will have to take their word for it as none of our people saw it themselves and I do not believe they would misrepresent it. Under our contract with them we would be responsible for expense of retracking car.

W. A. ...
Superintendent.

1078

January 11, 1918.

Mr. F. Cizek,
Superintendent.

Dear Sir:

Referring to your letter of January 8th, and returning communication from Superintendent Summerville of the New York Central, regarding expense of \$16.30 for retracking DL&W 78770 derailed in their yard at Utica, October 8th, due you advise to sharp flange on car.

I wish you would please advise me how sharp this flange was and also who derailed the car.

Yours truly,

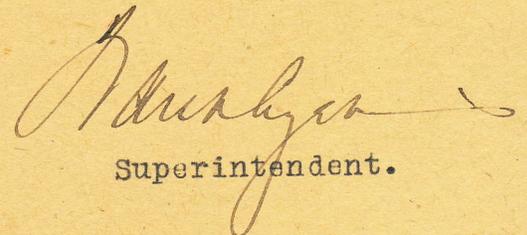
Binghamton, New York,

January 8th, 1918.

Mr. C. J. Phillips:

You will note from attached letter from Superintendent Sommerville of the NYC that they are asking us for authority to bill us \$16.30 for cost of retracking DL&W 78770 derailed in their yard at Utica on October 8th last account sharp flange.

As under our contract we are responsible for this derailment, I assume it will be alright for me to advise him that we will accept bill.


Superintendent.

A-5266.

16996

Binghamton, New York,

October 22, 1917.

Mr. C. J. Phillips:

Referring to derailment DL&W 78770, NYC freight yard, Utica, 3.50 P. M., October 8th, while being handled by our engine 25, foreman A. Conley, engineer W. H. Watson.

This accident occurred while engine 25 was making delivery of thirty-six cars to NYC and, when pulling in track #5, forward wheel on truck of DL&W 78770, seventh car from rear end, caught point of switch, derailing one pair trucks.

Yardmaster Morton and General Foreman Griffin of NYC advise derailment was caused by sharp flange. Car was rerailed by NYC steam derrick.

Superintendent.

CC-AJM