

SENATE . . . . . No. 32.

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Commonwealth of Massachusetts.

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BOARD OF RAILROAD COMMISSIONERS,  
BOSTON, Jan. 17, 1905.

HON. WILLIAM F. DANA, *President of the Senate, State House, Boston, Massachusetts.*

DEAR SIR:— I am instructed to transmit herewith to the Honorable Senate and House of Representatives the report of the Board of Railroad Commissioners on the investigation made under chapter 19 of the Resolves of 1904, *relative to the operation of the ferry between the town of Fairhaven and the city of New Bedford.*

Very truly yours,

CHARLES E. MANN,  
*Clerk of the Board*

## REPORT.

*To the Honorable the Senate and the House of Representatives, in General Court assembled.*

The Board of Railroad Commissioners respectfully submits its report of the investigation made pursuant to the following resolve, duly approved Feb. 27, 1904:—

*Resolved*, That the board of railroad commissioners is hereby directed, after such notice and hearing as it may deem proper, to consider whether public necessity and convenience require the further operation of a ferry between the town of Fairhaven and the city of New Bedford, under the provisions of chapter three hundred and ninety-two of the acts of the year eighteen hundred and ninety-four, and to report these facts and its conclusions in the matter, and such recommendations as it may deem proper, to the next general court.

Public hearings were given in New Bedford and in Boston, at which the city of New Bedford was represented by its mayor and city solicitor, business associations of New Bedford and of Fairhaven by committees, and the New York, New Haven & Hartford Railroad Company by its counsel.

In February, 1896, the ferry between Fairhaven and New Bedford, which had been operated in connection with the Fairhaven branch railroad from 1854 to 1873, and had then been discontinued, was again opened to the public use, under chapter 392 of the Acts of 1894. It has since been in continuous operation.

The books of the company show that for the year 1896 the expense of operating the ferry was in round numbers \$7,100, and receipts were \$5,500; in 1897 the expense was \$8,600, and receipts were \$6,800; in 1898 the expense was \$6,100, and receipts were \$4,400; in 1899 the expense was \$6,600, and receipts were \$4,100; in 1900 the expense was \$7,900, and receipts were \$4,000; in 1901 the expense was \$7,200, and receipts were \$3,100; in 1902 the expense was

\$8,400, and receipts were \$1,800; in 1903 the expense was \$8,000, and receipts were \$1,800. To June of the past year the expense was \$3,031, and the receipts were \$702. The aggregate gross earnings of the ferry during the eight years have been \$32,282.86, and the aggregate operating expenses \$63,052.15, with nothing charged to depreciation of ferry boat and plant.

Taking the year ending March 1, 1899, as showing the business of the ferry in the earlier and more prosperous part of this last period of operation, and the year ending June 30, 1904, as showing the business of the ferry under what are practically the present conditions, we find that during the first-named year the number of passengers using the ferry in travelling between New Bedford and Fairhaven was 50,241, and the revenue received from this source \$2,512.05; and that for the year ending in June last the number of passengers was 27,600, the revenue \$1,380; that the number of passengers using the ferry to and from New Bedford and points beyond Fairhaven was in the first-named year 35,428, and the revenue \$1,771.40; while for the year ending in June last the passengers between New Bedford and points beyond Fairhaven were 8,296, and the revenue \$414.80.

The average number of passengers a day over this ferry was 263 in 1899 and 108 in 1904; the average daily revenue in 1899, \$13.37; in 1904, \$5.47. In 1899 the number of trips a day was 38, in 1904 it was 37; the average number of passengers a trip in 1899 was 7, in 1904, 3; the average revenue a trip in 1899 was \$0.35, in 1904 \$0.15.

It may be assumed that the period beginning Aug. 27 and ending Nov. 19, 1904, fairly indicates the usual amount of baggage carried over the ferry; and we find that the total number of pieces carried during that time was 986, — an average of 13 pieces a day. Another test of this business, the record for the three days, November 26, November 28 and November 29 of this year, taken at random, shows 4 pieces carried from New Bedford and 9 pieces to New Bedford, — an average of 4 pieces a day.

The figures above given were furnished by the company at the request of the Board, and were duly verified.

The New Bedford & Onset Street Railway was opened to the public in August, 1901, and the new bridge between Fairhaven and New Bedford was completed in August, 1902. The construction of this street railway and the opening of this bridge diverted travel from the ferry into other channels, from which there is little or no prospect that it will ever return. As the result, therefore, the disadvantages under which the ferry had been operated were decidedly increased; and, bad as the financial showing was ten years ago, it is worse now.

But it has been said that, if the ferry had been properly equipped and maintained, and operated with charges that were not prohibitive, the volume of business would have been much larger. In the light of experience, some of the rates may well be thought to have been high, although when they were established in 1894 they were deemed reasonable by the company and apparently by the public. It is evident, too, that physical conditions at the ferry slips have been discouraging to those concerned in the transportation of loaded wagons. Still, the fact that no complaint has been made about either the tolls or the lack of facilities strongly suggests an absence of interest in the ferry, and a lack of desire to use it under any circumstances.

We have sought information from available sources to aid us in estimating the amount of business which might be done over the ferry in the future under the most favorable conditions. As the result, we reach the conclusion that, were the plant equipped with every arrangement for the suitable accommodation of patrons, and operated with reduced charges and even with a train schedule upon the railroad especially adapted to the convenience of travel between New Bedford and towns on the Cape, it would still be impossible to develop sufficient traffic to make the receipts equal or even approach expenditures. The location of communities and the character of the business relations between them and other centres, and the existence of the abundant conveniences for travel by the street railways and by the new bridge, restrict the field for development of business by way of the ferry within very narrow limits.

To meet the query whether there might not be profit in

operating the Fairhaven branch railroad, with which to offset the loss in operating the ferry, we have examined the record of both the passenger and freight traffic over that line. It would appear that the financial history of this branch has been discouraging from the outset, and that the paralleling of the railroad with the New Bedford & Onset Street Railway made further serious inroads upon a revenue already small. The larger part of what remains of the passenger traffic is with Boston or cities and towns north of Tremont; and the train schedule has been made to accommodate travel of this kind, rather than that with towns south of Tremont. Assuming that the schedule could be changed to favor travel between New Bedford and places on the Cape, we are convinced that the existence of the competing street railway and the conditions of traffic, present and prospective, forbid any great increase in the business over this branch.

On the other hand, it is a matter of common knowledge that, however unprofitable the ferry or the branch railroad may be, the extensive and growing business interests of New Bedford bring to the company upon its other lines an increasingly large traffic, which it is fair to suppose is decidedly profitable.

But there is another point of view. In accordance with the provisions of chapter 124 of the Acts of 1854, the proprietors of the New Bedford and Fairhaven ferry transferred their property and charter rights to the Fairhaven Branch Railroad Company. The ferry thereby became a part of the railroad, constituting its connecting link with New Bedford. In 1894 the Legislature directed the Old Colony Railroad Company, which had acquired this line, to resume the operation of the ferry. In commenting upon this statute our supreme court said: —

A railroad company has by no means an absolute power to determine what parts of its lines it will operate. Its franchises are granted for the public good, and in exercising them it is largely subject to the control and direction of the Legislature. Either by virtue of the police power or of the reserved power to alter charters, many acts may be required which involve expense, and which a railroad corporation would not if left to itself undertake. (*Brownell v. Old Colony Railroad*, 164 Mass. 29.)

Treating the ferry as a constituent part of the railroad, the separate gain or loss in operating it is not of controlling importance. If the line between Tremont and New Bedford is to be continued, and we assume that it is, the ferry or some equivalent for it is indispensable to the proper performance of the service which has been undertaken.

The question is, then, whether a fair equivalent for the ferry can be provided through other methods of taking care of passengers and baggage at this end of the line. No such equivalent now exists. Street cars run at intervals of fifteen minutes between Fairhaven and New Bedford, but no attempt is made to connect with train service upon the railroad. An express service is available for the carriage of baggage, but at charges in excess of those for the carriage of baggage to and from the ferry slip in New Bedford.

But there would seem to be no reason why an arrangement could not be made which would establish a connection between the street cars and railroad trains at the Fairhaven station, and provide an express service for transportation of baggage at a cost no greater than that now incurred in using the ferry. Were this arrangement for street railway and express service carried out and a cab service furnished at reasonable rates, passengers would receive full consideration, and would enjoy, in the privilege of prompt transportation to different parts of New Bedford without substantial loss of time and for a five-cent fare, advantages greater than those now possessed.

Naturally, the proposal to discontinue the ferry would under any circumstances meet with disfavor from those, few in number, who find it a peculiar personal convenience for which no exact substitute could be furnished. Beside this opposition from patrons of the ferry, there probably would be remonstrance from persons who hold to the sentiment that a railroad company should never be permitted to abandon or essentially change any service which it has undertaken, no matter how large a loss its continuance might entail upon the company, and no matter what effect it might have upon the performance of other obligations to the public. Such a sentiment, however, rests upon a superficial view of the conduct of railroad business; for it is obvious

that the losses which a company sustains at one point in response to a public demand will be made good at some other point at the public expense. The real issue is ultimately between different public interests.

The ferry between New Bedford and Fairhaven is undoubtedly a convenience to some people, and might be more useful if every effort of the management were directed to that end; but the most sanguine view of the future must contemplate a large daily loss in operating it, — a loss to be met by the public otherwise interested in the freight and passenger service of this railroad. If the operation of the ferry were an exceptional instance of unprofitable business, the effect upon other interests would be unappreciable. Demands, however, are continually made upon railroad companies to provide accommodation at less than cost. Some of these demands are reasonable. Unprofitable service must be performed in certain instances, and it is right that the burden of it should be borne by the general travelling and shipping public. In other instances the accommodation of the few should give way to the larger interests of the greater number. It is plainly necessary, even if the general welfare alone is consulted, that the affairs of a company be prudently administered, and that a rule be applied in respect to demands of this kind which will require the performance of every rightful obligation to the public, and at the same time secure the practice of a reasonable economy in the management of business.

In view of the facts disclosed by this investigation and the conclusions drawn therefrom, we respectfully recommend that the Legislature decline to sanction the discontinuance of the ferry under existing conditions, but that it authorize such discontinuance upon the establishment of a substitute service of the kind described.

Various tables and statements, giving in detail the facts and figures upon which this report is based, are attached hereto as exhibits.

For the Board,

JAMES F. JACKSON,

*Chairman.*

