

“The Right to Work on Rights-of-Way in the Age of Deregulation”

Caution! Collectives at Work

A dead tree near St. Martins Station in northwest Philadelphia fell on a commuter’s car in 1960. The owner of the car parked daily at a meter licensed to Auto Parks, Inc. by the Pennsylvania Railroad (PRR), but he sought damages from James T. Nathans, a nearby resident, not the PRR or the City of Philadelphia. Liability remained in question for two years, since the city had not incorporated the street where the parking space was located and the tree was rooted on PRR property outside Auto Parks’s leasehold. The PRR ultimately assumed responsibility for damages that occurred within its property lines, but only after litigious debate with its lessee over the physical extent of its rights and responsibilities for land maintenance. In the meantime, the number of dying trees on PRR’s property line seemed to underscore the fact that the boundary between public and private space had been eroding for some time.

St. Martins Station Grounds, a residence and workplace of railway attendants, epitomized the intractability of suburban tracts within city limits circa 1960. Most of Philadelphia’s gentry no longer used this Pennsylvania Railroad station or any of the four other commuter rail stations located less than a mile from it in Chestnut Hill, a streetcar suburb bordering the city–county line. Instead they chose to move with Mayor Richardson Dilworth to Society Hill, a collection of renovated colonial townhouses downtown, or to commute by carpool along the newly constructed (yet always congested) Schuylkill Expressway to law offices, hospitals, and courthouses in Center City Philadelphia. Having grown skeptical of its capacity to retain the remaining commuters, whose patronage supported the upkeep of railways, the PRR looked to sell off the land parcel-by-parcel along with all other peripheral properties, before the Interstate Highway Act of 1956 went into effect. Time was not the only factor; the federal legislation, which subsidized 90 percent of the cost of freeway construction, enabled free commuting by car in the Philadelphia tri-state area and similar metropolitan regions. The PRR targeted real estate developers, insurance companies, state turnpike authorities, and metropolitan transit districts for land sales. A series of marketing studies by the nation’s leading management and financial consultants suggested, however, that such transactions would be legally complex and politically contentious. The protracted process of turning over just a few parcels proved instructive, demonstrating that the PRR could not dispose of land—even the maligned “Chinese Wall” of elevated rail yards or desirable unused land at the top of Chestnut Hill—without clearance, assembly, rezoning, and remediation of the land underneath it.

Consultants advised that, instead of selling stations-grounds, the PRR rightsize them. This finance-focused method of identifying liabilities and indemnifying assets required no regulatory approvals or fiduciary accreditations, only authorization from shareholders and debtors to release and/or lease real property to for-profit and nonprofit organizations that could maintain them. Following consultants’ advice, PRR proceeded in 1957 to approve intermediate, itinerant uses of its station-grounds. These low-cost installations and provisional activities, which might be called “tactical urbanism” today, fell under the catchall “lessee operations” in post-war real estate parlance. Initially, PRR’s Real Estate Division consented only to the conversion of open space into parking spaces. Plans to turn over nearly every square inch of unused land in Greater Philadelphia to Auto Parks, Inc., an out-of-town, for-profit developer of pay-to-park lots, immediately met with opposition from citizens, community boards, and municipal zoning officials. Each contested PRR’S

enterprise of land concessions to parking concessionaires on different grounds: the spiraling cost of commuting, traffic congestion on local streets, and misuse of public subsidies. County judges found merit, however, in PRR-sponsored maps of “transit blight,” which depicted the adverse effect of unwanted vegetation, unfettered vandalism and unproductive vagrancy throughout PRR’s open spaces on the value of abutting properties and the extent to which lenders, insurers, and realtors would service the entire area. For state Public Utility Commissioners—which possessed the deciding vote—Auto Parks’s license to lease, landscape, and regulate railroad property represented PRR’s investment in the back-to-the-city movements of Main Line commuters and Main Street customers. Well within its rights, PRR proceeded in the fall of 1958 to transfer to nonprofit corporations—both governmental and nongovernmental all kinds of operations on PRR rights-of-way, from park-n-ride to property management.

Of course, land concessions to community-based organizations came with conditions, namely, the maintenance of cultural, managerial, and physical landscapes that had long protected the place of railroads in the public domain. A license to work on the aging buildings and lush grounds owned by PRR’S Real Estate Division enjoined the signatories in a joint venture of regulating and redeveloping the recalcitrant landscapes that trains traversed. The licensing agreements that PRR signed with four of Philadelphia’s railway conservancies in the early 1960s reveal that these legal documents left space for both parties to relegate specific spaces and spatial practices within their purview to third parties. The latter could include numerous subcontractors, from landscapers and architects to security and union apprentices; each of these did, in fact, work on behalf of a railway conservancy in Greater Philadelphia during the postwar period. The costs associated with outsourcing (particularly, of liability insurance and contractual fees) persuaded some conservancies to mobilize labor from within their own ranks or join up with block clean-up groups already engaged in the laborious tasks of landscape preservation. As these organizations later became a part of community gardening councils or community development corporations, their political strategies underwent critical evaluation by both activists and academics. Far less is known about the power and politics of those community-based organizations that took up railway conservancy but passed on the political and financial liabilities to men and women with experience in asset and facilities management.

The concessions retained and contracts granted by one such organization raises important questions about the right to work on a right-of-way—a once and future common space for labor and leisure, union laborers and corporate executives. Drawing primarily (although not exclusively) on governmental, corporate, community, and private records of at work in Northwest Philadelphia, this case study of railway conservancies offers a micro-history of white-collar work prescribed and performed on Pennsylvania Railroad property as its ill-fated merger with the New York Central railroad company took shape in the 1960s. Following the lead of historians Carolyn T. Adams, Alice O’Connor, as well as sociologists Kevin Fox Graham and Miriam Greenberg to think spatially and critically about collective thought and action that bridges the public, private and philanthropic sectors, I aim to shed light on how railway conservancy—a labor of love for blue-chip professionals past and present—cedes and seeds space for blue-collar brotherhoods.

The Rights-of-Way of Civil Society

In the fall of 1958, five founders of the St. Martins Station Grounds Committee and hundreds of its donors joined the *Germantown Courier* and the *Chestnut Hill Local* in colorfully recalling Sam Hill’s tenure as a proprietor of petunias, parking, patrons, and personnel on Pennsylvania Railroad property. St. Martins Station users interpreted his moving up to PRR’s Chestnut Hill terminus (and

up the PRR corporate ladder) in 1958 as a regrettable but well-deserved maneuver away from the destabilized grounds on which his station house now stood. A farewell party thrown by the *Chestnut Hill Community Association* and *Chestnut Hill Historical Society* brought hundreds to the station grounds to celebrate Hill and lament the St. Martins enclave's by-gone days of fiscal security and profitable productivity. As Chestnut Hillers celebrated the fact that Hill, a trusted member of their community in spite of his company's divestment from conservation operations, would gain more say over PRR real estate, they lamented that his replacement would lack both the financial and social capital to keep buildings and landscapes at Chestnut Hill's doorstep "in good and attractive order."

Instead of replacing Hill as superintendent, the commuter collective SMSGC decidedly set out to become a partner of PRR's consummate company man. Its founders met at St. Martins Station in the fall of 1961 with intentions of reinforcing Hill's efforts to incorporate citizens and commuters into railway conservation without infringing upon existing organized labor. Allston Jenkins, a St. Martins homeowner who had transformed Philadelphia Conservationists, Inc., into an advocacy arm of National Lands Trust by 1960, recognized the value of philanthropic support to reclaiming neglected grounds from dysfunctional public-private partnerships. He surmised, however, that novice conservationists alone could manage inquiries and mobilize interventions in public and private disinvestment at station-grounds measuring just over an acre. Notably, SMSGC shied away from incorporating as a nonprofit within the State of Pennsylvania throughout most of its tenure, even though doing so would have given its donors tax exemptions. Preferring a grassroots form and egalitarian mode of collective action, the organization refused to elect executive leadership or accept limited liability for the actions of those commissioned to act on its behalf. Nevertheless, the process of removing "penciled writing on the walls" and repairing the "revolting tunnel underneath the rail-road tracks" enrolled Jenkins and fellow station-grounds stewards in institutionally, politically, and legally complex forms of conservancy.

As much as the committee supported Superintendent Hill, it also commissioned grounds work by local contractors it knew and trusted to work alongside maintenance crews assigned to St. Martins Station under union labor contracts. Whereas other block clean-up crews across Philadelphia and in Chestnut Hill routinely performed grounds work themselves, the St. Martins committee initially participated only in clean-up days, which they organized in the interest of civic engagement with the station grounds and fundraising for the maintenance of that landscape. Their sweat equity went toward other endeavors: namely, carrying out protracted, pains-taking correspondence with PRR's real estate and operations executives regarding capital improvements in addition to time-consuming observation of landscapers hired to turn over soil, dig up dead trees, clear away railroad debris, create flower beds, pot plants, and cut the grass. These regulatory actions yielded not only prompt repairs and dutiful contract labor but also hundreds of small donations (on the order of \$5 to \$25) throughout the year from appreciative members of the community. Proceeds went exclusively to contractors' fees (including liability insurance, as well as materials, tools, and labor costs), leaving little resources for promotion or publicity. The committee's revenue repeatedly fell short of its expenses, leading Jenkins to ask the Chestnut Hill Community Association and Chestnut Hill Development Group, financial institutions of and for the community, to make up the difference with donations to the Community and Maintenance Funds that each amassed. Even amid the recession of the early 1980s, the committee still held steadfastly to its only inviolable principle—to enable, not embody, the right to work on the right of way.

A license to conserve St. Martins Station Grounds proved critical to the committee's work. As a "licensee" of PRR property, SMSGC acquired the same property rights and responsibilities granted to parking concessionaires. To both, the PRR extended "a mere personal license or privilege" to construct and deconstruct the built environment around St. Martins Station. Whereas Auto Parks agreed to grade, pave, and protect lots, the committee requested and received "permission to landscape, beautify, and/or use for garden purposes all that certain area situated in the vicinity and adjacent to St. Martins Passenger Station." The language of this agreement evaded three important questions: What constituted "that certain area" for which the SMSGC could claim rights and responsibilities? Who else was allowed to use or occupy, landscape or beautify, these areas? And, what recourse did the committee have to regulate or remediate the actions of third parties, such as the leaseholder Auto Parks, Inc. or the station agent overseeing the entire area? The map originally attached to the St. Martins Station Grounds Committee's license provided no clear answer to these questions, as it only indicated as off-limits the land leased by Auto Parks, a house to be leased to a station agent, and the 10-foot clearance area on either side of the track. After the committee began its operations, it continued to negotiate the limits and liabilities of its right to work on gaps in property management at a distance from contracted labor.

Grounding Mobilization

At their first meeting on PRR's inbound train platform in 1961, the St. Martins Station Grounds Committee espoused only to labor leisurely over infrastructure disinvestment they witnessed there—not to become one of dozens of railway conservancies that collectively operated as a fail-safe system for Greater Philadelphia commuters and communities come the mid-1970s. The organization's precarious partnerships with public and private institutions epitomizes, however, the concessions at play in securing the right to work. Simultaneously granting and claiming space, this nonprofit concessionaire took on responsibilities of their guarantor, an employer of building superintendents and landscape attendants, in order to grant these men governorship of labor and leisure in times of fiscal austerity and corporate restructuring. By agreeing to mobilize knowledge and action on the condition of common spaces into the foreseeable future, both station stewards and superintendents, concessionaires and communities, contractors and corporations, came away with something when the possibility of getting nothing proved probable.

In this instance and increasingly, many other cases of cultural landscape preservation, artifices of public-private partnership—leaseholds and land covenants—at once rupture the unitary constitution of "common space" while rendering physical, economic, and political frame-works for its reconstruction and repair. Concessionary agreements, forged through private correspondence and public utility contracts, miscommunicated consensus and safeguards against its collapse to the very cities and citizens invested in them. Knowledge of which guarantees would expire when remained limited to conservancies, which executed the contracts and their conditions of equitable provision of workplaces. Both public and private bodies with a stake in the city's future found themselves at a loss—politically and financially—when each tried in SMSGC's early years to engage critically and constructively with the spatial epistemologies of conservationists at work on rights-of-way. Without experiential and tacit knowledge of the common space that SMSGC strived to preserve, neither the city's Passenger Service Improvement Corporation nor the Woodward Estate could defend or appropriate the conservancy's right to protect and police private property of public utility.

What is the place of railway conservancies and stewards when the right to the city belongs to all who claim it? Who is the "right man for the job" of maintaining rail-ways (and other infrastructure)?

These questions remain open for investigation by blue-chip and blue-collar communities, especially as nearly every major city and many suburbs underwrite “green-collar” and “no-collar” consortiums to convert abandoned railways into parkways and conserve them for non-motorized travel and leisure. The SMSGC’s stewardship of fiscally insecure and politically contentious grounds in the 1960s illustrates a city’s white-collar suburbanites can set aside their recourse to white flight for the common good of the city’s blue-collar and blue-chip communities. Whereas conservative collectives at the center of “whiteness studies” typically seek out places away from city politics and problems to call their own, this case of railway conservancies shows that they can also chart a “space of their own” to share with diverse populations inside city limits by working outside the protections and privileges of city government. The cost of eschewing rugged individualism proved affordable and worthwhile in this case, since SMSGC claimed the right to regulate buildings and landscapes, not the right to reside in or resettle the station houses they restored. But, such a concession to railroad companies and their regulatory regimes was not the norm for community-based organizations with licenses to work on station grounds and/or leases for landscaped space. In order to contest both city power and suburban autonomy, union bosses and corporate shareholders, SMSGC’s peers 1) incorporated as nonprofits with limited liability insurance and a board of directors; 2) obtained legal counsel to execute community benefit agreements, city contracts and/or corporate concessions, and 3) paid for liability insurance and, for large property lessees, mortgage insurance. The jury, is literally and figuratively still out, on whether their concessionary politics laid the groundwork for working-class communities to construct and conserve their own right-of-way.