

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

FINANCE DOCKET NO. 10653

AMENDED APPLICATION OF BOSTON AND MAINE RAILROAD  
FOR CERTIFICATE AUTHORIZING ABANDONMENT OF A POR-  
TION OF ITS LAKEPORT BRANCH IN THE STATE OF NEW  
HAMPSHIRE.

Comes now the applicant, Boston and Maine Railroad, and hereby seeks to amend its application herein so as to ask authority to abandon only the portion of its line between its Alton and Lily Pond Stations, so that said application shall read as follows:

Respectfully represents the Applicant as follows:

- a. Its full corporate name is BOSTON AND MAINE RAILROAD.
- b. It is a common carrier by railroad subject to the Interstate Commerce Act.
- c. Authority is herewith asked to abandon the portion of its line in the State of New Hampshire between its Alton station in the town of Alton, and its Lily Pond station in the town of Gilford, both in the County of Belknap, said portion of line being approximately sixteen miles of its so-called Lakeport Branch.
- d. Abandonment of this line is sought.
- e. This line is not in receivership.
- f. The expense of operation and maintenance of this line is no longer warranted. The passenger travel is very light, freight shipments are infrequent, and it is paralleled

by a good motor highway.

g. Correspondence in relation to this matter may be addressed to Allan P. Mackinnon, General Counsel, Boston and Maine Railroad, 150 Causeway Street, Boston, Massachusetts.

h. Applicant is organized under the laws of the States of Maine, New Hampshire, Massachusetts and New York, and is authorized to do business in Vermont.

i. The making and filing of this application were authorized by a vote of the Executive Committee of the Applicant's Board of Directors, passed on October 16, 1934, a certified copy of which vote is attached.

j. Applicant does not desire a hearing on this application.

BOSTON AND MAINE RAILROAD

By Edward S. French  
President.

VERIFICATION.

Commonwealth of Massachusetts.

Suffolk, ss.

Edward S. French makes oath and says that he is President of the Boston and Maine Railroad, the Applicant herein; that he has been authorized by proper corporate action on the part of said Applicant to verify and file with the Interstate Commerce Commission the foregoing application; that he has carefully examined all the statements therein and that all such statements are true and correct to the best of his knowledge, information and belief.

Edward S. French

Subscribed and sworn to  
before me, a Notary Public  
in and for the Commonwealth  
and County above named,  
this 4th day of April, 1935.

Arthur B. Nichols (Notarial seal)  
Notary Public

My commission expires March 22, 1940.

At a meeting of the Executive Committee of the Board of Directors of BOSTON AND MAINE RAILROAD, duly notified and held at Boston, Massachusetts, on October 16, 1934, a quorum being present, the following action was taken:

"VOTED: that the President, Edward S. French, be and he hereby is authorized on behalf of this corporation to make application to the Interstate Commerce Commission for authority to abandon the portion of this corporation's line in the State of New Hampshire between its Farmington station in the town of Farmington, County of Strafford, and its Lily Pond station in the town of Gilford, County of Belknap, said portion of line being approximately twenty-five miles of its so-called Lakeport Branch, and that he be further authorized to sign, verify and file on behalf of this corporation an appropriate application to the Interstate Commerce Commission and a return to any Questionnaire submitted by said Commission, and generally to perform all acts necessary, convenient or desirable toward accomplishing the foregoing."

Attest:

Arthur B. Nichols  
Clerk.

(Corporate)  
( seal )

F-12-24

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 10653

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted May 16, 1935.

Decided May 27, 1935.

Certificate issued permitting the Boston & Maine Railroad to abandon a portion of a branch line of railroad in Belknap County, N.H.

Allan P. Mackinnon for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, PORTER, AND MAHAFFIE

BY DIVISION 4:

The Boston and Maine Railroad, on October 3, 1934, applied for permission to abandon that portion of its Lakeport branch extending northwesterly from Farmington, through Alton and certain small communities, to Lily Pond station, in the town of Gilford, approximately 25 miles, in Strafford and Belknap Counties, N.H. The State of New Hampshire, through its attorney general, advised us that it was opposed to the granting of the application. The applicant, on April 5, 1935, filed an amended application for permission to abandon only that portion of the branch extending from Alton to Lily Pond station, approximately 16 miles, all in Belknap County, N.H. After the filing of the amended application the assistant attorney general advised us that the State of New Hampshire did not desire a hearing and would not make any representations with respect to the amended application. No objection thereto has been offered.

The territory traversed by the line sought to be abandoned, containing about 2,700 inhabitants, is along the western shore of Lake Winnepesaukee. This territory is said to be an important summer resort from which the applicant at one time derived a substantial passenger business. Most of the freight traffic in the past has consisted of lumber and ice. It is represented that the principal ice houses in the territory have been destroyed by fire and that little or no lumber has been shipped over the branch during the past two years. There are no other industries of any importance to be served. It is

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Allan P. Mackinnon for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, PORTER, AND MAHAFFIE

BY DIVISION 4:

The Boston and Maine Railroad, on October 2, 1934, applied for permission to abandon that portion of its Lakesport branch extending northwesterly from Farmington, through Alton and certain small communities, to Lily Pond station, in the town of Gilford, approximately 25 miles, in Strafford and Belknap Counties, N.H. The State of New Hampshire, through its attorney general, advised us that it was opposed to the granting of the application. The applicant, on April 5, 1935, filed an amended application for permission to abandon only that portion of the branch extending from Alton to Lily Pond station, approximately 16 miles, all in Belknap County, N.H. After the filing of the amended application the assistant attorney general advised us that the State of New Hampshire did not desire a hearing and would not make any representations with respect to the amended application. No objection thereto has been offered.

The territory traversed by the line sought to be abandoned, containing about 2,700 inhabitants, is along the western shore of Lake Winnepesaukee. This territory is said to be an important summer resort from which the applicant at one time derived a substantial passenger business. Most of the freight traffic in the past has consisted of lumber and ice. It is represented that the principal ice houses in the territory have been destroyed by fire and that little or no lumber has been shipped over the branch during the past two years. There are no other industries of any importance to be served. It is alleged that the transportation of forest products by rail from the tributary territory involves a haul by motor truck to the railroad and that shippers of such products have a tendency to continue the truck haul from the loading point to the point of destination without making any use of the railroad. The applicant attributes the loss of traffic on the branch in recent years to the advent of motor vehicles and improved highways in the tributary territory. There is said to be a good highway the entire length of the line.

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The number of passengers handled over the line decreased from 2,068 in 1930 to 265 in 1934, and revenues derived therefrom decreased from \$4,335 to \$482. Freight traffic, consisting largely of forest products, ice, sand, gravel, tar, cement, and coal, decreased from 18,749 tons in 1930 to 548 tons in 1934. The results of operation of the line in 1934 are shown as follows: Railway operating revenues \$6,186, railway operating expenses \$23,042, and deficit from railway operation \$16,856. The applicant allocated railway operating revenues and expenses to the line largely on a mileage prorate basis.

A three-party agreement has been entered into between the State of New Hampshire, the applicant, and a subsidiary of the applicant, which provides that, in event of the proposed abandonment, the applicant will discontinue operation of passenger trains over the Lakeport branch between Dover and Laconia, N.H., and that the above-mentioned subsidiary will operate busses over the highway between those points in lieu of the passenger service now rendered by rail. The communities on the abandoned line between Alton and Gilford, none of which is incorporated, would be served by the busses in question. Gilford, a town of about 800 inhabitants, is about 4 miles by highway from Lakeport and Laconia, both of which are on the applicant's main line. The applicant estimates that the new operating arrangement, as provided in the agreement, would result in a saving of \$33,123 annually.

The record herein clearly shows that neither the present nor prospective volume of traffic over the portion of the branch sought to be abandoned is sufficient to warrant its retention and that continued maintenance and operation thereof would impose an undue burden on the applicant and upon interstate commerce.

We find that the present and future public convenience and necessity permit the Boston and Maine Railroad to abandon that portion of its Lakeport branch extending from Alton to Lily Pond station, in the town of Gilford, all in Belknap County, N.H., described in the application. An appropriate certificate will be issued, which shall become effective from and after 30 days from its date and contain suitable provision for the cancellation of tariffs.

**COMMISSION ON TRADE COMMERCE AND NECESSITY**

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 4,  
held at its office in Washington, D. C., on the 27th  
day of May, A. D. 1935

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Finance Docket No. 10653  
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**BOSTON & MAINE RAILROAD ABANDONMENT**

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Investigation of the matters and things involved in this proceeding having been had, and said division having, on the date hereof, 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 hereby certified, That the present and future public convenience and necessity permit the Boston and Maine Railroad to abandon that portion of its Lakeport branch extending from Alton to Lily Pond station, in the town of Gilford, all in Belknap County, N.H., described in the application and report aforesaid.

It is ordered, That this certificate shall take effect and be in force from and after 30 days from its date. Tariffs may be canceled upon notice to this Commission and to the general public by ~~not less than 10 days' filing and posting~~ in the manner prescribed in section 6 of the Interstate Commerce Act.

It is further ordered, That the Boston and Maine Railroad, when filing schedules canceling tariffs applicable to the portion of the branch line herein permitted to be abandoned, shall in such schedules refer to this certificate by title, date, and docket number.

And it is further ordered, That the Boston and Maine Railroad shall report to this Commission as required by valuation order No. 24, effective May 15, 1928.

By the Commission, division 4.

(SEAL.)

GEORGE B. MCGINTY,

Secretary.