

BEFORE THE
INTERSTATE COMMERCE COMMISSION

APPLICATION OF BOSTON AND MAINE RAILROAD
FOR CERTIFICATE AUTHORIZING IT TO ABANDON
PORTIONS OF A LINE OF RAILROAD IN HILLS-
BOROUGH, ROCKINGHAM AND STRAFFORD COUNTIES,
NEW HAMPSHIRE.

Respectfully represents the applicant, Boston and Maine Railroad, 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. It herewith seeks authority to abandon the following two portions of its line:
 1. A line about 21 miles in length in Hillsborough and Rockingham Counties in the State of New Hampshire between its Hudson and Fremont Stations; and
 2. A line about 18 miles in length in Rockingham and Strafford Counties in the State of New Hampshire between its Epping and West Gonic Stations.

The above two lines are portions of the applicant's line of about 48 miles in length between Nashua and Rochester, New Hampshire, but authority is not sought to abandon the portions of said line between Nashua and Hudson, a distance of about $2\frac{1}{2}$ miles, between Fremont and Epping, a distance of about $4\frac{1}{2}$ miles, and between West Gonic and Rochester, a dis-

tance of about 2 miles. Continued operation of the three last-named portions of line will afford rail service to any industries dependent on the line for transportation.

d. Abandonment of these lines is sought.

e. These lines are not in receivership.

f. In the Commission's report and order of January 25, 1934 in Finance Docket No. 9558 it authorized the applicant to abandon operation of these lines (199 I. C. C. 159). The State of New Hampshire has recently indicated a desire to purchase from applicant for the purpose of constructing a highway thereon a section some 11 miles in length extending from a point about 3 miles east of Epping Station to a point near the former Barrington station. In order to meet the aforesaid desire of the State and believing that the resulting break in the continuity of the line makes retention in place of the balance no longer of interest to the public, applicant seeks authority to abandon the said lines which it has not operated since March 3, 1934 pursuant to the Commission's aforesaid order of January 25, 1934.

g. Correspondence in regard to this application may be addressed to Allan P. Mackinnon, General Counsel, 150 Causeway Street, Boston, Massachusetts.

h. Applicant is organized under the laws 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 Board of Directors of Boston and Maine Railroad, passed on June 11, 1935, a certified copy of which is attached hereto.

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, 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 day of June, 1935.

Arthur B. Nichols

Notary Public

My commission expires March 22, 1940

(Notarial seal)

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 June 11, 1935, 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 this corporation's lines in New Hampshire between its Hudson and Fremont stations and between its Epping and West Gonic stations, 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:

(Signed) Arthur B. Nichols
Clerk

(Corporate Seal)

COPY

Contract No. C. 450. 11-A

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INTERSTATE COMMERCE COMMISSION

Finance Docket No. 10869

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted September 12, 1935.

Decided September 24, 1935

Certificate issued permitting the Boston & Maine Railroad to abandon parts of a line of railroad in Hillsborough, Rockingham, and Strafford Counties, N.H. Prior report, 199 I.C.C. 159.

Allan P. Mackinnon for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, PORTER, AND MAHAFFIE

BY DIVISION 4:

The Boston and Maine Railroad applied on June 13, 1935, for permission to ~~abandon parts of a line of railroad extending from Hudson to Fremont, about 21 miles, in Hillsborough and Rockingham Counties, and from Epping to West Gonic, about 18 miles, in Rockingham and Strafford Counties, all in the State of New Hampshire.~~ The attorney general of New Hampshire entered his appearance in the proceeding, but has withdrawn because an agreement, satisfactory to the parties concerned, has been reached, for service by the railroad to the communities affected by the applicant's proposals. No objection to the granting of the application has been presented to us.

The segments proposed to be abandoned are parts of the applicant's line extending from Nashua to Rochester, N.H., about 48 miles. The parts of this line between Nashua and Hudson, about 2.5 miles, between Fremont and Epping, about 4.5 miles, and between West Gonic and Rochester, about 2 miles, are still in operation, but the applicant was permitted to abandon operation of the Hudson-Fremont and the Epping-West Gonic segments by our certificate dated January 25, 1934, in Boston & M. R. Abandonment of Operation, 199 I.C.C. 159, and no service has been performed thereover since March 5, 1934.

These portions of the line were left in place in order to satisfy objections of State authorities. The State has since indicated a desire to purchase for highway purposes about 11

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These portions of the line were left in place in order to satisfy objections of State authorities. The State has since indicated a desire to purchase, for highway purposes, about 11 miles of the line between a point about 3 miles east of Epping and a point near the former Barrington Station, about 5 miles west of West Gonic. Because of the break in the continuity of the line which would result from conversion of this portion of the railroad into a highway, the applicant believes that retention of the remaining unoperated portions of the line is no longer of interest to the public.

The relevant facts concerning the segments in question are set forth in our prior report, cited above, and need not be repeated here. The present record contains nothing affecting or altering our previous conclusion that continued operation of the segments would result in further losses and impose an undue burden on interstate commerce. Removal of the tracks will enable the applicant to recover such materials as still remain available for use or sale.

We find that the present and future public convenience and necessity permit the abandonment by the Boston and Maine Railroad of the parts of a line of railroad in Hillsborough, Rockingham, and Strafford Counties, N. H., described in the application.

An appropriate certificate will be issued.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 4, held at its office in Washington, D. C., on the 24th day of September, A. D. 1935

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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 abandonment by the Boston and Maine Railroad of the parts of a line of railroad in Hillsborough, Rockingham, and Strafford Counties, N. H., described in the application and said report.

It is ordered, That the Boston and Maine Railroad shall report to this Commission as required by valuation order No. 24, effective May 15, 1938.

By the Commission, division 4.

GEORGE B. MCGINTY,

(SEAL)

Secretary.