

BEFORE THE
INTERSTATE COMMERCE COMMISSION

APPLICATION OF BOSTON AND MAINE RAILROAD
FOR CERTIFICATE AUTHORIZING IT TO ABANDON
ITS ASHBURNHAM BRANCH IN WORCESTER COUNTY
MASSACHUSETTS.

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 its so-called Ashburnham Branch which extends some 2.5 miles from its South Ashburnham station to its Ashburnham station, all in the Town of Ashburnham, County of Worcester and Commonwealth of Massachusetts.
- d. Abandonment of this line is sought.
- e. This line is not in receivership.
- f. A portion of this line was washed out in the recent flood and the expense of its restoration, future maintenance and operation are not warranted in view of the small amount of traffic which it has handled in recent years. There has been no passenger service on the line for several years and receipt and delivery of freight can be taken at South Ashburnham station on Applicant's main line, which is but 2.5 miles

distant from the terminal of the Branch.

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 Board of Directors of Boston and Maine Railroad, passed April 28, 1936, 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 28th day of April, 1936.

Arthur B. Nichols

Notary Public

My commission expires March 22, 1940

(Notarial seal)

At a meeting of the Board of Directors of BOSTON AND MAINE RAILROAD, duly notified and held at Boston, Massachusetts, on April 28, 1936, 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 its so-called Ashburnham Branch which extends some 2.5 miles from its South Ashburnham station to its Ashburnham station, all in the Town of Ashburnham, County of Worcester and Commonwealth of Massachusetts, 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)

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EZRA BRAINERD, JR.
WASHINGTON, D. C.

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 11196

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted October 27, 1936.

Decided November 3, 1936

Certificate issued permitting abandonment by the Boston & Maine Railroad of its Ashburnham branch in Worcester County, Mass.

Allan P. Mackinnon and W. A. Cole for applicant.

Arthur U. Mahan, John E. Withington, and M. Alan Moore for protestants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, PORTER, AND MAHAFFIE

BY DIVISION 4:

No exceptions to the report proposed by the examiner were filed.

The Boston and Maine Railroad applied on May 1, 1936, for permission to abandon its so-called Ashburnham branch extending north-east from South Ashburnham, a station on the applicant's Fitchburg division, to the village of Ashburnham, 2.64 miles, all in the town of Ashburnham, Worcester County, Mass. Notice of protest was received, and a hearing has been held. No representations have been made by State authorities.

The branch has been in existence for over 60 years, and has been operated by the applicant since 1900. A previous application for permission to abandon the branch was denied by our order dated February 5, 1927, in Abandonment by B. & M. R.R., 117 I.C.C. 679. The principal reason assigned for renewal of the proposal is that a part of the line was damaged by washout during serious flood conditions in New England in March, 1936. The applicant contends that the cost of restoring the damaged section of track, and further maintenance and operation of the line, are not warranted by the small volume of traffic handled thereover in recent years, and that abandonment of the branch will permit savings in train-operation and maintenance expense.

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At the southern end about 0.5 mile of the line is to be retained in service as an industrial track.

Ashburnham, with a population of 2,061, is connected with South Ashburnham and with Gardner, another station on the applicant's system, by improved highway. While the village is located in mountainous territory generally unsuited to agriculture, it has some industries, including a chair factory, a plant producing machine tools, and a concern dealing in coal, grain, and building material.

No passenger service has been performed on the branch for about 10 years, but bus service was furnished by the Boston & Maine Transportation Company, a subsidiary of the applicant, from August 1926 to July 1932, when such service was discontinued because of insufficient patronage. Less-than-carload freight is handled by the transportation company by means of a truck operated between Gardner and Ashburnham. Prior to damage to the branch by flood, carload freight was handled by a local train which operates regularly between Fitchburg and Wachusett, and continues to South Ashburnham as necessary to handle cars to and from that point.

In 1924 Ashburnham received 159 carloads of freight, including 33 cars of road-building material. The record does not contain corresponding statistics for subsequent years until 1935, when 88 carloads were handled on the branch, all inbound. This traffic consisted of asphalt, 3 cars; cement, 4; coal, 30; fertilizer, 1; grain and grain products, 35; hay, 7; and sewer pipe, 8. In each of the five years 1931-35, in order, total freight handled on the branch amounted to 3,543, 3,719, 2,905, 2,641, and 3,008 tons; total, 15,816 tons, of which all but 371 moved inbound. Ten years ago the inbound freight amounted to about 5,000 tons a year. It was testified that the tonnage in 1931-35 was 57 percent of the total for the five years 1920-24. In 1935 less-than-carload freight amounted to 170 tons.

System revenue from all traffic handled on the branch in 1935 amounted to \$6,190. Abandonment of the line would permit yearly savings in train-operation and maintenance expense estimated at \$1,500 and \$840, respectively, or a total of \$2,340. Most of the estimated saving represents overtime wages resulting from operation beyond South Ashburnham. The annual expense of maintaining the part of the line to be retained is estimated at \$310.

The washout occurred about midway between the branch's terminals. The section of track left without support is only about 150 feet long, but it is suspended high over a stream, and the cost of necessary refilling and the installation of a pipe culvert would cost about \$6,290. In lieu of such rehabilitation the applicant proposes that service by the transportation company be substituted for that heretofore furnished on the branch. The applicant expects to retain revenues from the Ashburnham business.

Flood damage to the applicant's system in March, 1936, cost, for repairs, approximately \$2,250,000, of which \$2,000,000 was borrowed from the Public Works Administration. See B. & M. R.R. Public Works Improvement, 212 I.C.C. 639. The applicant earned net income in each of the years 1931-35, in amounts declining from about \$3,377,000 in 1931 to slightly over \$206,000 in 1935. A net deficit of about \$2,472,000 was sustained in the first four months of 1936, and at the expiration of the first year of the

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No shipper appeared at the hearing in opposition to the applicant's proposal, and the only protesting witnesses were officers of the town of Ashburnham. Their testimony was to the effect that loss of the branch-line service would cause public inconvenience in increased cost of coal to about 1,300 people, as well as uncertainty as to coal deliveries in territory where there is much snow in winter.

But the objections of the protestants are now withdrawn in a stipulation of record in which the applicant has agreed to arrange for trucking coal, bagged grain, cement, and fertilizer, hay, and less-than-carload freight in and out of Ashburnham, including store-door service at points in the village, on joint through rail-and-motor rates exceeding present rail rates to and from Ashburnham by amounts specified in the stipulation; that the truck service shall continue as long as there is a public need for it; and that the agreed basis of rates shall continue in effect for five years, subject to any changes that would apply to all-rail rates if continued to and from Ashburnham.

With the substitution of truck service there would be little, if any, need for service on the railroad. It is therefore evident that restoration and continued operation of the branch would impose undue and unnecessary burdens on interstate commerce.

We find that the present and future public convenience and necessity permit abandonment by the Boston and Maine Railroad of the branch line in Worcester County, Mass., described in the application. An appropriate certificate will be issued, effective from and after 30 days from its date. Suitable provision will be made therein for the cancelation of tariffs.

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 3d
day of November, A. D. 1936

Finance Docket No. 11196

BOSTON & MAINE RAILROAD ABANDONMENT

Investigation of the matters and things involved in this proceeding having been made, a hearing having been held, 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 abandonment by the Boston and Maine Railroad of the branch line of railroad in Worcester County, Mass., 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 applicable on said line of railroad may be canceled upon notice to this Commission and 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 on said line of railroad 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.

