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WASHINGTON, D. C.

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 11078

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted February 29, 1936.

Decided March 9, 1936

Certificate issued permitting the Boston & Maine Railroad to abandon part of a line of railroad in Middlesex County, Mass.

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 January 17, 1936, applied for permission to abandon its line of railroad extending from the westerly bank of the Concord River, in the city of Lowell, easterly to a point about 300 feet west of Main Street Crossing, near Wamesit Station, Tewksbury, approximately 1.5 miles, all in Middlesex County, Mass. No representations have been made by any State authority, and no objection to the application has been offered.

This line was constructed by the Lowell & Andover Railroad Company in 1848. After various transfers and leases, it was acquired by the applicant on December 1, 1919, as successor of the Boston & Lowell Railroad Corporation. It is adjacent to the applicant's main line, with which it connects at either end, and from which it is not more than 0.25 mile distant at any point. It serves no industry or freight or passenger station, and it has not been regularly used for rail service for more than 25 years. The applicant states that abandonment will eliminate the necessity for the railroad maintaining two overhead highway bridges, and that service to the public will not be affected.

It is apparent from the record that the complete lack of traffic does not warrant the operation of the line sought to be abandoned; that its operation would impose an unnecessary and undue burden upon the applicant's resources and upon interstate commerce; and that the proposed abandonment will not result in public inconvenience.

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

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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 9th day
of March, A. D. 1936

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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 that part of its line of railroad in Middlesex 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 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 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.

