

F-12-27

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FD 11076

APPLICATION OF BOSTON AND MAINE RAILROAD
FOR CERTIFICATE AUTHORIZING IT TO ABANDON A
PORTION OF ITS NORTH WEARE BRANCH IN HILLS-
BOROUGH AND MERRIMACK COUNTIES, NEW HAMPSHIRE.

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APPLICATION OF BOSTON AND MAINE RAILROAD
FOR CERTIFICATE AUTHORIZING IT TO ABANDON
A PORTION OF ITS NORTH WEARE BRANCH IN
HILLSBOROUGH AND MERRIMACK 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 so much of applicant's so-called North Weare Branch as extends for about 17 miles between its Goffstown station and a point on its line known as Henniker Junction, all in Hillsborough and Merrimack Counties in the State of New Hampshire.
- d. Abandonment of this line is sought.
- e. This line is not in receivership.
- f. The traffic on this line has declined to a point where the expense of rail transportation is disproportionate to the revenues and any public dependence upon it for service. No point served by the line is more than 9 miles from stations on other lines of the applicant to and from which such freight as is now being handled by rail could be readily moved by

highway vehicles. The passenger service consists of a daily round-trip of a rail-motor car.

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 January 7, 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 14th day of January, 1936.

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 January 7, 1936, a quorum being present, the following action was taken:

"Resolved 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 so much of this corporation's so-called North Branch as extends for about 17 miles between its Goffstown station and a point on its line known as Henniker Junction in the State of New Hampshire, 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 to said Commission, and generally to perform all acts which may be convenient or desirable toward accomplishing the foregoing."

Attest:

Arthur B. Nichols

Clerk.

(corporate seal)

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 11076

BOSTON & MAINE RAILROAD ABANDONMENT

WAC

Submitted October 16, 1936.

Decided November 20, 1936

Certificate issued permitting abandonment by the Boston & Maine Railroad of part of a branch line of railroad in Hillsborough and Merrimack Counties, N. H.

Allan P. McKinnon and W. A. Cole for applicant.
Mayland H. Morse for protestant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MEYER, PORTER, AND MAHAFFIE

BY DIVISION 4:

The Boston and Maine Railroad on January 16, 1936, applied for permission to abandon the part of its so-called North Weare branch extending from Goffstown station to a point known as Henniker Junction, approximately 17 miles, all in Hillsborough and Merrimack Counties, N. H. A protest was filed and a hearing was held. at which our examiner and the members of the New Hampshire Public Service Commission presided.

In Abandonment of Branches by B. & M. R. R., 105 I.C.C. 13, decided November 3, 1925, among other things, we denied the application of the Boston & Maine to abandon the part of its North Weare branch extending from a point 200 feet east of Kelleys Falls Bridge, Manchester, N. H., to Henniker Junction, 22.77 miles.

At the hearing on the instant application, counsel for the town of Weare stated that following the filing of the application negotiations were entered into with representatives of the applicant looking toward the assurance of continued freight service to and from the town; that as the result of such negotiations and the cooperation of the attorney general of New Hampshire, on behalf of the State, an agreement was reached concerning conditions under which freight would be handled to and from the town by way of the highway; that the agreement was in process of formal preparation and in due course would be executed and made a part of the record herein; and that in consequence of the understanding reached no evidence would be offered by the protestant. Accordingly by a stipulation and agreement of October 14, 1936, between the applicant and the town of Weare, by its selectmen, the applicant agrees that upon termination of rail service over the line proposed to be abandoned it will, either directly or through arrangement with others, afford proper transportation by way of the highway to the villages of North Weare and East Weare, in the town of Weare, for carload and less-than-carload shipments of freight, on certain terms and conditions enumerated. In consideration of such agreement the town of Weare withdraws its appearance, and agrees not to protest the granting of the application. The applicant agrees to

The State commission held a hearing in the matter of certain service and facilities of the applicant in New Hampshire, including the North Weare branch, based on a "show cause" order, and in its report of July 31, 1936, referred to the instant application and said that as far as service on the North Weare branch is concerned, its investigation does not lead to the conclusion that any order relative thereto is now required.

It is stated by the applicant that freight and passenger trains on the part proposed to be abandoned operate over the entire branch and beyond. The passenger trains which operate between Hillsborough and Manchester, will be discontinued. The freight trains, which operate between Nashua, N. H., and Manchester by way of Elmwood and Henniker Junction, will be rerouted so as to avoid the part to be abandoned. Goffstown will be served from Manchester by rail as to carloads, and by truck as to express and less-than-carload freight.

Tons of freight to and from East Weare and North Weare, the intermediate stations, for the years 1931 to 1935, inclusive, are stated, in order, as 10,012, 5,066, 4,714, 3,819, and 3,807.

The applicant estimates that the annual revenue from continued operation of the line would be \$6,481, and that the estimated annual gross savings by the proposed abandonment would be \$31,669, made up of abandonment of passenger-train service, \$9,687, of freight train service, \$9,100, of station service, \$1,622, and of maintenance of way expenses, \$11,260; less \$1,250, expense of trucking less-than-carload freight between Manchester and Goffstown, resulting in a net saving of ~~\$25,958 a year.~~ No estimate is given of the expense of handling freight to and from the town of Weare by way of the highway.

The principal industries in the tributary area are poultry raising, farming, and woodworking plants. There is a private side track at a gravel pit at East Weare, but no gravel has been shipped therefrom since 1932. Two grain dealers and a coal dealer use parts of a public delivery track at North Weare as a private side track. Formerly some lumber was handled from portable plants, but during the past five years that traffic has been negligible.

The population of the town of Weare is 1,287. Henniker and Goffstown will continue to be served by lines of the applicant. The village of East Weare is 8 miles from Goffstown and 9 miles from Henniker Junction. The village of North Weare is 6 miles from Henniker Junction.

It is apparent from the record that the part of the branch sought to be abandoned cannot be continued in operation except at a substantial loss; that such operation would impose an undue burden upon interstate commerce; and that under the circumstances, the proposed abandonment will not result in serious public inconvenience.

We find that the present and future public convenience and necessity permit abandonment by the Boston and Maine Railroad of the part of the branch line of railroad in Hillsborough and Merrimack Counties, N. H., described in the application. An appropriate certificate will be issued effective from and after 30 days from

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 20th day
of November, A. D. 1936

Finance Docket No. 11076

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 that part of the branch line of railroad in Hillsborough and Merrimack Counties, 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 applicable on said line of railroad 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.

