

7-12-34

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FD. 11922

APPLICATION OF BOSTON AND MAINE RAILROAD
FOR CERTIFICATE AUTHORIZING IT TO ABANDON
ITS FALBYAN BRANCH IN GRAFTON AND COOS
COUNTIES, NEW HAMPSHIRE.

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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 Fabyan Branch, which extends approximately 20 miles from its Wing Road station in the County of Grafton to its Base station in the County of Coos, all in the State of New Hampshire.
- d. Complete abandonment is sought.
- e. This line is not in receivership.
- f. This line formerly served a resort section in the White Mountains and was operated only during the summer. By the Commission's order of June 15, 1932 in Finance Docket No. 9362, authority was given to abandon its operation and to serve the principal part of the territory over the nearby line of the Maine Central Railroad (184 I.C.C. 593). No service

has been given over the line since that time and no public inconvenience would result if it is now removed.

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 18, 1938, 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 21st day of January, 1938.

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 18, 1938, 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 that portion of its line of railroad which extends approximately 20 miles from its Wing Road station in the County of Grafton to its Base station in the County of Coos, all 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 by said Commission, and generally to perform all acts necessary, convenient or desirable toward accomplishing the foregoing."

Attest:

Arthur B. Nichols

Clerk.

(Corporate seal)



INTERSTATE COMMERCE COMMISSION

Finance Docket No. 11922

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted April 12, 1938.

Decided April 21, 1938

Certificate issued permitting abandonment by the Boston & Maine Railroad of a branch line of railroad in Grafton and Coos Counties, 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 February 3, 1938, applied for permission to abandon its so-called Fabian branch line of railroad extending from Wing Road to Base, approximately 20.13 miles, all in Grafton and Coos Counties, N.H. No representations have been made by any State authority, and no objection to the application has been offered.

By our report and certificate in Boston & M. R. Operation and Abandonment, 184 I.C.C. 593, decided June 15, 1932, we permitted the Boston & Maine to abandon operation of the line herein proposed to be abandoned, and authorized it to operate under trackage rights over a line of the Maine Central Railroad Company, to serve part of the territory traversed by the line in question. Pertinent facts with respect to the latter line and the tributary territory are stated in that report. Operation of the line was abandoned on July 15, 1932, and has not been resumed.

The applicant states that the line has not been maintained for several years and is not in condition for operation; that no useful purpose is served by its retention; and that it is now desired to dismantle it before it becomes in such a condition as will make impossible the sending of work trains thereover for the purpose of recovering the useful material for sale or for use elsewhere, of which the estimated net salvage value is \$37,800. The applicant further states that there are no industries in the region except summer resorts and occasional lumbering operations; that there is ample rail service available on other lines for any lumbering; that its Berlin branch is avail-

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It is apparent from the foregoing that there is no prospective public transportation need of the line proposed to be abandoned, and that its retention would impose an unnecessary and undue burden upon interstate commerce.

Finance Docket No. 11922 - Sheet 2.

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

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 21st day of April, A. D. 1938

Finance Docket No. 11922

BOSTON & MAINE RAILROAD ABANDONMENT

Investigation of the matters and things involved in this proceeding having been made, 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 Grafton and Coos 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.

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.)

W. P. BARTEL,
Secretary.