

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FD 13468

APPLICATION OF BOSTON AND MAINE RAILROAD
FOR CERTIFICATE AUTHORIZING IT TO ABANDON
A PORTION OF ITS CENTRAL MASSACHUSETTS
BRANCH IN HAMPDEN, HAMPSHIRE AND WORCESTER
COUNTIES, COMMONWEALTH OF MASSACHUSETTS

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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 the portion of its Central Massachusetts Branch between Forest Lake in the town of Palmer and Creamery in the town of Hardwick, all in Hampden, Hampshire and Worcester Counties, Commonwealth of Massachusetts, and comprising approximately 10.5 miles of railroad.
- d. Abandonment of the line is sought.
- e. There is no necessity for service on this line. For its entire distance it is closely paralleled by an adjacent line of the Boston & Albany Railroad (New York Central Railroad Company, lessee) over which applicant operates by arrangement with that company, and it is proposed to continue that operation. Applicant has not operated over the line since 1932

pursuant to the authority to abandon its operation given in the Commission's order of December 16, 1932 in Finance Docket No. 9529 (189 I.C.C. 218), and now seeks authority to dismantle the line and secure the track materials for other purposes.

f. Correspondence in regard to this application may be addressed to W. A. Cole, General Counsel, 150 Causeway Street, Boston, Massachusetts.

g. Applicant is organized under the laws of Maine, New Hampshire, Massachusetts and New York, and is authorized to do business in Vermont.

h. The making and filing of this application were authorized by a vote of the Executive Committee of applicant's Board of Directors passed September 9, 1941, a certified copy of which is attached hereto.

i. Attached hereto is a copy of a situation map showing the lines in question and nearby rail lines.

BOSTON AND MAINE RAILROAD

By _____ W. S. Trowbridge
Vice President.

VERIFICATION

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

W. S. Trowbridge makes oath and says that he is Vice 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.

W. S. Trowbridge

Subscribed and sworn to
before me, a Notary Public
in and for the Commonwealth
and County above named, this
12th day of September, 1941.

Edward J. Gallagher.
Notary Public

February 26, 1948.
My commission expires ~~June-12, 1947.~~

(Notarial seal)

At a Meeting of the Executive Committee of the Board of Directors of BOSTON AND MAINE RAILROAD, duly called, notified and held on September 9, 1941, a quorum being present, the following vote was unanimously passed:

VOTED: that the corporation abandon the portion of its socalled Central Massachusetts Branch about 10.5 miles in length between Forest Lake in the town of Palmer and Creamery in the town of Hardwick, all in the Counties of Hampden, Hampshire and Worcester and Commonwealth of Massachusetts, or such portion thereof as its officers deem proper, and that the President, E. S. French, and the Vice President, W. S. Trowbridge, be and each of them is herewith authorized on behalf of the corporation to take all steps necessary or appropriate to accomplish the foregoing, including the execution, verification and filing with the Interstate Commerce Commission of an application for authority to abandon said portion and any returns to questionnaires or other documents submitted by said Commission.

Attest:

Arthur B. Nichols

Clerk.

(Corporate Seal)

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 13468

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted October 22, 1941.

Decided October 28, 1941.

Certificate issued permitting abandonment by the Boston & Maine Railroad of a portion of a branch line in Hampden, Hampshire, and Worcester Counties, Mass.

W. A. Cole for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Boston and Maine Railroad on September 26, 1941, applied for permission to abandon that portion of its Central Massachusetts branch line of railroad extending from Forest Lake, in the town of Palmer, to Creamery, in the town of Hardwick, approximately 10.5 miles, all in Hampden, Hampshire, and Worcester Counties, Mass. No representations have been made by any State authority, and no objection to the granting of the application has been presented.

In Boston & M. R. Operation and Abandonment, 189 I.C.C. 218, we authorized the applicant to abandon operation of the portion of its Central Massachusetts branch between Palmer and Barre, which includes the segment involved in this proceeding, and also authorized operation by it under trackage rights over the adjacent line of the Boston & Albany Railroad Company between the same points. Subsequently, with our permission, the applicant abandoned its trackage-right operations from Creamery east to Barre, and its own line from Wheelwright, about 2 miles east of Creamery, easterly to Oakdale, Mass. See 236 I.C.C. 132.

Ware and Gilbertville are the two intermediate stations on the segment, and they are also stations on the Boston & Albany line. There has been no passenger service over the segment since April 1932 and no freight service since January 1933, except that Gilbertville was served from Creamery, about 2 miles, until that track was damaged by the September 1933 flood.

Inasmuch as the applicant will continue to render service under its trackage-right arrangements with the Boston & Albany, removal of the segment will not result in public inconvenience, and resumption of operation thereof would impose an unnecessary and undue burden upon

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Inasmuch as the applicant will continue to render service under its trackage-right arrangements with the Boston & Albany, removal of the segment will not result in public inconvenience, and resumption of operation thereof would impose an unnecessary and undue burden upon the applicant and upon interstate commerce.

We find that the present and future public convenience and necessity permit the abandonment by the Boston and Maine Railroad of the portion of the branch line of railroad in Hampden, Hampshire, and Worcester Counties, Mass., described herein. An appropriate certificate will be issued, effective from and after 15 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 28th day of October, A. D. 1941.

Finance Docket No. 13467

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 found that the present and future public convenience and necessity permit abandonment by the Boston and Maine Railroad of the branch line of railroad in Hampden, Hampshire, and Worcester Counties, Mass., described in the report aforesaid.

It is ordered, That this certificate shall take effect and be in force from and after 15 days from its date.

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.)

W. P. BARTZL,

Secretary.