

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

FD 13362

APPLICATION OF BOSTON AND MAINE RAILROAD  
FOR CERTIFICATE AUTHORIZING IT TO ABANDON  
A PORTION OF ITS CONWAY BRANCH IN YORK COUNTY,  
MAINE, AND STRAFFORD COUNTY, NEW HAMPSHIRE.

BOSTON & MAINE RAILROAD  
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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 so-called Conway Branch between its Jewett Station in the town of South Berwick, York County, in the State of Maine, and its Somersworth Station in the city of Somersworth, Strafford County, in the State of New Hampshire, comprising approximately 5.5 miles of railroad.
- d. Abandonment of the line is sought.
- e. Service on this line is no longer necessary. Its use by the public is very slight and applicant could realize substantial savings by the proposed abandonment.
- 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 its Board of Directors passed June 11, 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. All of said lines are operated as parts of the system of the Boston and Maine Railroad.

BOSTON AND MAINE RAILROAD

By E. S. French  
President

VERIFICATION

Commonwealth of Massachusetts

Suffolk, ss.

E. 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.

E. S. French

Subscribed and sworn to  
before me, a Notary Public  
in and for the Commonwealth  
and County above named, this  
26th day of June, 1941.

William J. Burns  
Notary Public

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 June 11, 1941, a quorum being present, the following vote was unanimously passed:

VOTED: that the corporation abandon the portion of its socalled Conway Branch about 5.5 miles in length between Jewett station in the town of South Berwick in York County and State of Maine and Somersworth station in Strafford County and State of New Hampshire, and that the President, E.S. French, be and 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:

William J. Burns

Asst. Clerk

(Corporate Seal)

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 13362

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted October 6, 1941.

Decided October 20, 1941.

Certificate issued permitting abandonment by the Boston & Maine Railroad of a portion of a branch line of railroad in York County, Maine, and Strafford County, N. H.

F. A. Cole for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Boston and Maine Railroad on June 28, 1941, applied for permission to abandon that portion of its Conway branch extending northwesterly from Jewett Station in the town of South Berwick, York County, Maine, to Somersworth Station, Strafford County, N. H., approximately 5.5 miles. Protests were filed and a hearing held, but no one appeared at the hearing in opposition to the application. No representations have been made by any State authority.

The line sought to be abandoned was built in 1855, and became part of the applicant's system in 1890. The stations thereon, all nonagency, and their respective distances in miles from Jewett, are as follows: Great Works, Maine, 0.39, South Berwick, 1.9, Salmon Falls, 2.54, and Foundry, 5.16. Jewett is on the applicant's eastern route between Boston, Mass., and Portland, Maine, and at Salmon Falls, N. H., the applicant's so-called western route between the same cities crosses the line over a bridge. An improved highway parallels the line between Jewett and Salmon Falls. The territory is also served by other surfaced highways.

There has been no passenger service since April 1936, except an occasional "snow-train". Freight service is rendered as required by a train which makes side-trips from Somersworth southeasterly as far as necessary. In the 12 months ending March 1941, 13 trips were made to South Berwick, 47 to Great Works, and 8 to Jewett.

There is no local traffic. Carloads moving between points on the line and points beyond, practically all inbound, during the years 1936 to 1940, inclusive, and in the first five months of 1941 were, in order, 79, 76, 37, 46, 51, and 18. Less-than-carload shipments were 15, 22, 11, 2, 1, and 1. Overhead traffic varied from 1 to 4 carloads of paving tar a year. Inbound coal decreased from 42 carloads in 1937 to 7 in 1940. Inbound wool noils shipments for the years and period named were 30, 21, 10, 30, 34, and

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The operating results are shown as follows: System revenues \$3,649, \$3,446, \$1,844, \$2,202, \$2,461, and \$377; expenses, maintenance of way \$2,787, \$1,835, \$1,929, \$1,485, \$1,344, and \$395; operating freight trains \$438 each year and \$203 in the first five months of 1941; and taxes \$2,746 each year and \$1,103 for the first five months of 1941.

Maintenance costs are based on a mileage prorate of such expenditures on the maintenance section of which the line is a part. Expenditures for that purpose have been reduced since passenger service was discontinued. The cost of operating the freight trains is based on a study of operations during the 12 months ended March 1941, and is on a prorate basis. Wages of crews, fuel, and engine repairs are the only items which were considered. No charge is made for car hire or car maintenance. The \$2,746 tax item is the applicant's estimate of the amount its Maine taxes will be reduced in the event of abandonment. Little, if any, saving will be effected in its New Hampshire taxes. The applicant also states that in the year the line is removed, as it understands the law, a portion of the difference between the investment value of the line and the net salvage value thereof may be used as a deduction in determining earnings for Federal tax purposes.

To determine the cost of moving traffic over system lines beyond the line proposed to be abandoned, the applicant assigned to the line a mileage prorate of the system revenue, deducted such assignment from the system revenue, and applied to the remainder its freight operating ratios, varying from 55.69 to 68.82 percent, for each of the years and the period named. This method of computation produces system losses from operation of the line as follows: \$4,558, \$3,707, \$4,388, \$3,645, \$3,890, and \$1,374. If charges for handling the traffic on system lines beyond the line were disregarded, the result would be to show that the costs of operating the line exceeded system revenues during the years and period under discussion by the following amounts: \$2,272, \$1,525, \$3,220, \$2,418, \$2,518, and \$324, respectively. In view of this situation, we need not determine in this case whether the use of the freight operating ratios produces results indicating the out-of-pocket cost of handling the traffic beyond the line.

The only industry which has been using the line to any appreciable extent is a woolen mill at Great Works. Wool noils, principally from Philadelphia, are delivered to it on a side track to its warehouse. The mill is located on a stream about 60 or 70 feet below the warehouse. For several years practically all of its coal has been delivered by trucks from Portsmouth, N. H., 10 or 11 miles. If the line is abandoned, the wool can be trucked from the applicant's main line station at Salmon Falls, about 2 miles distant. Outbound woolen goods for rail delivery have been hauled, to a considerable extent, to Dover, N. H., by trucks of the Boston & Maine Transportation Company, a subsidiary of the applicant, and more recently have been handled by the Railway Express Agency. There is a shoe manufacturing concern at Salmon Falls, but the bulk of its traffic is handled by truck. Its less-than-car-load traffic is handled at the applicant's main-line station at Salmon Falls.

The record shows that abandonment of the line will not result in serious inconvenience to the public, that the line has been operated at a loss, and, therefore, that continued operation would impose an undue burden upon the applicant and upon interstate commerce.

We find that the present and future public convenience



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The only industry which has been using the line to any appreciable extent is a woolen mill at Great Works. Wool noils, principally from Philadelphia, are delivered to it on a side track to its warehouse. The mill is located on a stream about 60 or 70 feet below the warehouse. For several years practically all of its coal has been delivered by trucks from Portsmouth, N. H., 10 or 11 miles. If the line is abandoned, the wool can be trucked from the applicant's main line station at Salmon Falls, about 2 miles distant. Outbound woolen goods for rail delivery have been hauled, to a considerable extent, to Dover, N. H., by trucks of the Boston & Maine Transportation Company, a subsidiary of the applicant, and more recently have been handled by the Railway Express Agency. There is a shoe manufacturing concern at Salmon Falls, but the bulk of its traffic is handled by truck. Its less-than-car-load traffic is handled at the applicant's main-line station at Salmon Falls.

The record shows that abandonment of the line will not result in serious inconvenience to the public, that the line has been operated at a loss, and, therefore, that continued operation would impose an undue burden upon the applicant and upon interstate commerce.

We find that the present and future public convenience and necessity permit abandonment by the Boston and Maine Railroad of the portion of the branch line of railroad in York County, Maine, and Strafford County, N. H., above described. An appropriate certificate will be issued, effective from and after 15 days from its date, in which suitable provision will be made 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 20th day of October, A. D. 1941.

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Finance Docket No. 13362

BOSTON & MAINE RAILROAD ABANDONMENT

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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 portion of the branch line of railroad in York County, Maine, and Strafford County, N. H., 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. Tariffs applicable to the line in question may be canceled upon notice to this Commission and to the general public by not less than 5 days' filing and posting in the manner prescribed in section 6 of the Interstate Commerce Act.

It is further ordered, That, when filing schedules canceling tariffs applicable to said line, the Boston and Maine 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,

W. P. BARTEL,

Secretary.

(SEAL.)