

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

FD 13524

APPLICANT'S NAME AND ADDRESS AND  
TITLE OF THE MATTER  
AND THE NAME AND ADDRESS OF THE  
ATTORNEY AT LAW FOR THE APPLICANT

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

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APPLICATION OF BOSTON & MAINE RAILROAD AND  
FRANKLIN & TILTON RAILROAD FOR CERTIFICATE  
AUTHORIZING ABANDONMENT OF A PORTION OF THE  
LATTER'S LINE IN MERRIMACK COUNTY, NEW HAMPSHIRE

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Respectfully represent the applicants as follows:

- a. Their full names are Boston & Maine Railroad and Franklin & Tilton Railroad.
- b. They are common carriers by railroad subject to the Interstate Commerce Act.
- c. The Boston & Maine Railroad herewith seeks authority to abandon operation by it as lessee of the portion of the Franklin & Tilton Railroad extending from a point known as Franklin Junction easterly to a point about 6000 feet therefrom, all in the city of Franklin, Merrimack County, State of New Hampshire, and the Franklin & Tilton Railroad, owner of said portion of line, seeks authority to abandon it.

- d. Abandonment of the line is sought.

- e. There is no necessity for maintaining the line.

There are no industries or public facilities served by it and since 1936 there has been no occasion for any service over it. Applicants seek 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, Boston & Maine Railroad, 150 Causeway Street, Boston, Massachusetts.

g. Applicant Boston & Maine Railroad is organized under the laws of Maine, New Hampshire, Massachusetts and New York, and is authorized to do business in Vermont; applicant Franklin & Tilton Railroad is organized under the laws of New Hampshire.

h. The making and filing of this application were authorized by votes of the Boards of Directors of Boston & Maine Railroad and Franklin & Tilton Railroad passed on October 28, and November 3, 1941, respectively, attested copies of which are attached hereto.

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

BOSTON & MAINE RAILROAD

By \_\_\_\_\_ E. S. French  
President.

FRANKLIN & TILTON RAILROAD

By \_\_\_\_\_ E. S. French  
President.

VERIFICATION

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

E. S. French makes oath and says that he is President of Boston & Maine Railroad and Franklin & Tilton Railroad applicants herein; that he has been authorized by proper corporate action on the part of said applicants 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  
5th day of November, 1941.

Arthur B. Nichols  
Notary Public

My commission expires March 27, 1947.

(Notarial seal)

At a Meeting of the Board of Directors of  
BOSTON AND MAINE RAILROAD, duly called, notified and held  
at Boston, Massachusetts, on the twenty-eighth day of October,  
1941, a quorum being present, the following action was unani-  
mously taken:

VOTED: that the corporation abandon operation of  
the portion of its Franklin & Tilton Branch extending from a  
point known as Franklin Junction easterly to a point about  
6000 feet therefrom, all in the city of Franklin, Merrimack  
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, verifica-  
tion and filing with the Interstate Commerce Commission of  
an application for authority to abandon operation of said  
portion and any returns to questionnaires or other documents  
submitted by said Commission.

Attest:

Arthur B. Nichols

Clerk.

(corporate seal)

At a Meeting of the Board of Directors of  
**FRANKLIN & TILTON RAILROAD**, duly called, notified and held  
at Boston, Massachusetts, on the third day of November, 1941,  
a quorum being present, the following action was unanimously  
taken:

VOTED: that the corporation abandon the portion  
of its line extending from a point known as Franklin Junction  
easterly to a point about 6000 feet therefrom, all in the city  
of Franklin, Merrimack 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.

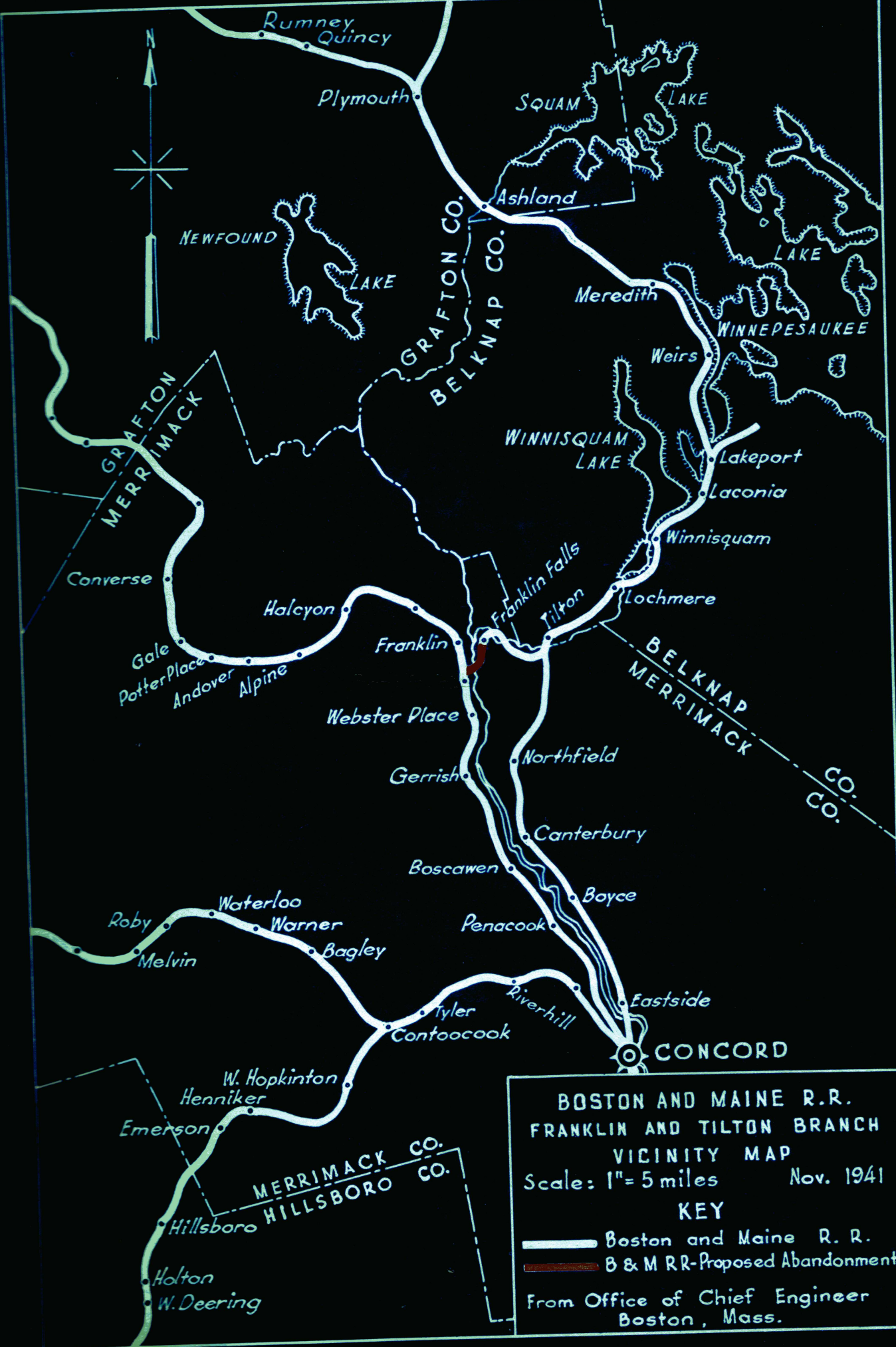
Attest:

Louise G. Howland

Clerk.

(corporate seal)





**BOSTON AND MAINE R. R.  
FRANKLIN AND TILTON BRANCH  
VICINITY MAP**  
 Scale: 1" = 5 miles      Nov. 1941

**KEY**

— Boston and Maine R. R.  
 - - - - - B & M R.R.-Proposed Abandonment

From Office of Chief Engineer  
 Boston, Mass.

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**INTERSTATE COMMERCE COMMISSION**

Finance Docket No. 13524

FRANKLIN & TILTON RAILROAD ET AL. ABANDONMENT

Submitted December 4, 1941.

Decided December 16, 1941.

Certificate issued permitting abandonment by the Franklin & Tilton Railroad of a line of railroad in Franklin, Merrimack County, N. H., and abandonment of operation thereof by the Boston & Maine Railroad, lessee.

W. A. Cole for applicants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Franklin & Tilton Railroad and the Boston & Maine Railroad, lessee, on November 6, 1941, jointly applied for permission to the former to abandon, and to the latter to abandon operation of, the portion of a line of railroad extending from Franklin Junction easterly approximately 6,000 feet, in Franklin, Merrimack County, N. H. No representations have been made by State authorities, and no objection to granting the application has been presented.

The segment in question, hereinafter called the line, is the westerly end of the Franklin & Tilton Railroad, which extends from Tilton, N. H., where it connects with the Boston & Maine, to another connection with the latter at Franklin Junction. The line was constructed in 1892. Operations have been conducted by the Boston & Maine under lease. The estimated net salvage value of the recoverable material is \$3,000.

The line has not been used since March 1936, at which time a bridge across the Merrimack River was damaged by floods. There are no industries dependent upon it for transportation. The industrial tracks and the freight house at Franklin are on the east side of the Merrimack River and will continue to be served by way of Tilton. It will require substantial expenditures to restore the line to operating condition because of the flood damage. The lessor desires to dismantle it and make other use of the track material.

It is apparent that there is no further public need for the line, and its retention would impose an unnecessary and undue burden upon the applicants and upon interstate commerce.



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The line has not been used since March 1936, at which time a bridge across the Merrimack River was damaged by floods. There are no industries dependent upon it for transportation. The industrial tracks and the freight house at Franklin are on the east side of the Merrimack River and will continue to be served by way of Tilton. It will require substantial expenditures to restore the line to operating condition because of the flood damage. The lessor desires to dismantle it and make other use of the track material.

It is apparent that there is no further public need for the line, and its retention would impose an unnecessary and undue burden upon the applicants and upon interstate commerce.

We find that the present and future public convenience and necessity permit abandonment by the Franklin & Tilton Railroad of the line of railroad in Franklin, Merrimack

County, N. H., described herein, and abandonment of operation thereof by the Boston & Maine Railroad, lessee. 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 16th day of December, A. D. 1941.

Finance Docket No. 13524

FRANKLIN & TILTON RAILROAD ET AL. 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 Franklin & Tilton Railroad of the portion of a line of railroad in Merrimack County, N. H., described in the report aforesaid, and abandonment of operation thereof by the Boston & Maine Railroad, lessee.

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 the Boston & Maine Railroad, when filing schedules canceling tariffs applicable to the line in question, shall in such schedules refer to this certificate by title, date, and docket number.

And it is further ordered, That the Boston & 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.

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