

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

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FINANCE DOCKET NO. 13822

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Application of Boston & Maine Railroad  
for authority to abandon its Essex Branch

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APPLICANT'S BRIEF

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October 21, 1942

BOSTON & MAINE RAILROAD  
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This application filed by the Boston & Maine Railroad on July 8, 1942 seeks authority to abandon a stub-end branch line slightly more than 5 miles in length. The Branch serves only the town of Essex, Massachusetts, which has a population of less than 1500 and a sparsely settled part of the town of Hamilton; the entire territory has good motor highways, upon some of which there is bus service (8, 52)\*. At Hamilton & Wenham station about 23 miles from Boston, the Branch connects with a double-track main line between Boston and Portland, and about 5 miles in the opposite or easterly direction from Essex is applicant's Gloucester Branch, also a double-track line (8). On both these lines there is frequent passenger service and commutation tickets may be used interchangeably for travel to

\*This and similar references are to pages of the transcript of the testimony; when preceded by "Q" the references are to pages of the Return to the Questionnaire.

and from Essex, or nearby stations on the main line or the Gloucester Branch (14).

The passenger service on the Branch consists only of a trip leaving Essex at 7.06 in the morning, arriving in Boston at 8.13, and a return trip leaving Boston at 4.55 in the afternoon, arriving in Essex at 5.50\*. On Saturdays there is also a train from Boston at 1.15 P.M. with a return trip at 2.23. There is no service on Sundays or holidays. (Exhibit 2).

The travel on the Branch as shown in two six-day periods taken in 1942 may be summarized from Exhibits 3 and 4 as follows:

	<u>Average passengers per day</u>			
	<u>May 11-16, 1942</u>		<u>August 24-29, 1942</u>	
	<u>Total</u>	<u>Boston</u>	<u>Total</u>	<u>Boston</u>
Train 2600	18.7	11.7	19.7	13.7
" 2605	18.3	11.5	25.7	15.8
" 2606**	7	0	11	1
" 2603**	13	3	10	4

\*\* Saturday only

The travel in 1940 averaged 27 passengers per day, and in 1941 27.5 passengers (50). In 1940 there were two excursions to a picnic grove on the Branch on which 983 passengers were carried; in 1941 there were two excursions carrying 3048 passengers (14).

\*There was some discussion at the hearing in which this trip was referred to as leaving Boston at 4.32. This, however, is the time when the Essex Branch train-crew leaves from Boston but passengers leaving Boston for Essex use the later train at 4.55, as they can reach Essex as early as if they took the earlier train. The train-crew runs the 4.32 train to Hamilton & Wenham but lays over at that point before going down the Branch following the arrival at Hamilton & Wenham of the 4.55 train (34).

The freight service is performed by a local train which operates along the main line and makes side trips down the Branch as traffic warrants; during the twelve months ending with May, 1942, 135 such trips were made (15). There is no station agent on the Branch and no less carload service. The carload traffic has been as follows: (16, Q5)

	<u>Cars of freight</u>		
	<u>1940</u>	<u>1941</u>	<u>1942 (8 mos)</u>
Anthracite Coal	22	25	16
Grain & feed	14	18	10
Sand	23	43	38
Other	<u>4</u>	<u>4</u>	<u>1</u>
Total	63	90	65

The sand is used for foundry purposes and is trucked from a beach near Annisquam to Essex Falls station. The trucking distance to Gloucester, however, is substantially the same distance as to Essex Falls, the rates from Gloucester are no higher than from Essex Falls, and no opposition to abandonment was expressed by anybody interested in that traffic (16, 75). It will be observed from the tabulation shown above that the freight traffic on the Branch in 1940 amounted to an average of only a little more than a car a week and in 1941 and 1942 less than two cars a week.

The total revenue received by applicant from all the traffic moving to and from the Branch has been as follows: (Q6)

	<u>1940</u>	<u>1941</u>	<u>5 mo. 1942</u>
Freight	\$2,863	\$4,654	\$2,000
Passenger Regular	2,222	2,369	1,456
Passenger Special	<u>281</u>	<u>661</u>	<u>0</u>
Total	\$5,366	\$7,684	\$3,456

A mileage prorate of the freight revenue would assign to the Branch \$419 in 1940, \$666 in 1941 and \$377 in the first five months of 1942. Because of the character of the traffic, abandonment of the line would result in no loss of freight revenue to the applicant, and only an estimated amount of \$1,876 of passenger revenue (21, 61, Q6, 9).

The costs of operating and maintaining the Branch have been as follows (Q7):

	<u>1940</u>	<u>1941</u>	<u>5 Mo. 1942</u>
Maintenance of Way	\$3,354	\$4,055	\$3,473
Operation of Freight trains	561	887	530
Operation of Passenger "			
Regular -	3,067	3,157	1,401
Special -	22	50	0
Watchmen at Essex	2,202	2,383	1,187
Total	<u>\$9,206</u>	<u>\$10,532</u>	<u>\$6,591</u>

The maintenance of way figures are the actual expenses for the years shown (126); the freight train expense is an assignment of wage and fuel costs on a time basis and locomotive repairs on a mileage basis; in the case of passenger train costs the wage and fuel expense and locomotive repairs were assigned on a mileage basis as being the most equitable. If an estimate of the off-branch costs is made by applying applicant's operating ratios for its system to the off-branch revenue there would be assigned to the freight costs \$1,312 for 1940, \$2,207 for 1941 and \$894 for 5 months of 1942; and to the passenger service costs of \$1,850, \$2,308 and \$1,104 for the same periods (Q8). This would produce the following results:

	<u>1940</u>	<u>1941</u>	<u>5 Mo. 1942</u>
System revenues	\$5,366	\$7,684	\$3,456
Branch expense	9,206	10,532	6,591
Off-branch expense - ft.	1,312	2,207	894
" " " - pass.	<u>1,850</u>	<u>2,308</u>	<u>1,104</u>
System deficit	\$7,002	\$ 7,363	\$5,133

A somewhat more realistic approach would be to determine the actual burden on applicant from operating the Branch, i.e. the effect which abandonment would have on its revenues and expenses. The character of the freight traffic on the Branch is such that abandonment would result in no loss of freight revenue; it is estimated that \$1,876 of annual passenger revenues would be lost, as well as ground rentals amounting to \$118, or a total of \$1,994. Against this may be placed actual savings in freight train expenses of \$1,185, passenger trains \$745, and a watchman at Essex of \$2,861, to which should be added an estimate of normal maintenance of way expenses of \$4,932 (21, Q9). Accordingly, an actual saving of \$9,723 would be realized from abandonment, from which should be deducted the loss of \$1,994 in revenue, resulting in a net annual saving of \$7,729 - a figure not differing materially from the system deficit tabulated above on the basis of taking account of the system revenues and expenses.

The testimony of the witnesses offered by the protestants will now be considered.

As for any interest in the freight service, no testimony was offered with respect to the molding sand, and only four witnesses indicated any concern over loss of freight

service. Lyman James is a grocer in Essex at present also engaged in building small wooden vessels of from 65 to 100 feet in length and about 100 gross tons in weight. His materials are received by truck, but he is disturbed by possible refusal of his supply men to deliver lumber in lots of less than a truck-load (108-113). Kenneth Elwell, a coal dealer, receives about 25 cars of anthracite a year, and would be put to extra expense if obliged to truck his coal from some outside point such as Salem, which is about 12 miles distant (See Exhibit 1, 103-104). John J. Ellis, a lumber dealer and builder, has been receiving his lumber by truck, in 1941 35,000 feet and for the current year 60,000 feet. A carload amounts to about 24,000 feet and dealers are now urging him to buy in carload lots (116-118). C. Nelson Hardy in 1941 received 18 cars of feed for his poultry farm. His farm is two miles from Essex station toward Ipswich, and if his feed were delivered at some station not on the Branch his truck haul would be increased. Within a radius of 100 miles he delivers his chicks by truck (98-102).

Most of the protestants' testimony related to the possible effect of gasoline and tire rationing on their ability to travel if the morning and evening passenger trains no longer operated. H. R. Shepley, a Boston architect, living in Essex, uses the passenger service on the Branch at times, on other occasions driving by automobile to or from the Manchester station on the Gloucester Branch (78-81). Edward Beverstack, a Boston business-man, uses the Branch trains regularly. If

he is not able to get the train. leaving Boston at 4.55 P.M. he takes a Gloucester Branch train to West Gloucester station and the bus from there to Essex (81-84). Roy Merchant commutes regularly from Essex to Boston, sometimes driving to Hamilton & Wenham station to take a main line train when he misses the 7.06 A.M. train on the Branch; this is also done at times by other commuters (84-87). Lester T. Tompkins, who lives in Essex and has an office at the State House in Boston travels in a car furnished by the Commonwealth and uses the Branch trains very seldom (87-91). Leroy M. Young is a regular commuter to and from Boston, some times using the Branch trains and at other times stations on the Gloucester Branch. He has observed that other residents of Essex also use the Gloucester Branch trains (94-97). George E. Reed travels regularly by automobile between Essex and the plant of the United Shoe Machinery Company in Beverly (104-109). Bertram K. Little who has houses in Essex and Brookline, a suburb of Boston, has used the Branch trains with some regularity, but at times has traveled to and from Ipswich or stations on the Gloucester Branch (113-115). Roy S. Burnham, an instructor at Massachusetts Institute of Technology in Boston, commutes regularly to and from Essex, but on two or three days a week is not able to get the 4.55 Branch train from Boston and takes a train to West Gloucester (118-120). P. M. Wyeth, a business man in Boston, uses the Branch trains pretty regularly, but occasionally uses the Ipswich station on the main line or Manchester station on the Gloucester



Branch (153-155).

This testimony was supplemented and embroidered by a good deal of discussion of gasoline and tire rationing, but it is obvious that this matter was very much exaggerated. After all, during the week ending August 29, 1942 an average of only 19 passengers used the Branch train in the morning and 25 the evening train (Exhibit 4). This may readily be translated into five or six automobile loads of passengers who might need to travel 5 or 6 miles to and from stations on the main line or the Gloucester Branch, which would certainly put no strain on the supply of gasoline or tires. It is obvious that with only a train leaving Essex at 7.06 A.M. and returning from Boston at 4.55 P.M. the town of Essex is not dependent on this skeleton service. Accordingly, it is no surprise to read in the testimony that many defense workers living in Essex do not use the Branch trains at all (86, 89, 107), that the train-crew, none of whom lives in Essex, travel by automobile between that point and their homes (122), and that many of the witnesses who use the Branch trains, of necessity frequently use other trains to get to and from Boston. It appears from the time-table submitted as Exhibit 5 that on the main line on week-days there are 10 regular trains from Boston which stop at Hamilton & Wenham and 11 trains in the opposite direction which stop there (Table 19), while on the other side of Essex there are 12 trains in each direction on the Gloucester Branch which stop at West Gloucester (Table 26). However severe the rationing of gasoline and tires may become, the town of Essex

will never suffer from loss of the two passenger trains on the Branch. It is not dependent on freight service to any appreciable degree and at the most, abandonment of the Branch will cause only slight inconvenience to a very few people.

Before concluding, reference should be made to the report and order of Division 4 dated February 5, 1927 in Finance Docket No. 5098, in which a previous application for authority to abandon the Essex Branch was denied, except with respect to a half-mile at the end of the Branch (117 I.C.C. 679, 687). It appears from the report in that case that travel on the Branch at that time amounted to about 6000 trips a month, whereas now it amounts to only 700 trips. The annual freight traffic amounted to about 20,000 tons by contrast with less than 4,000 tons at present; applicant's system revenues from the Branch freight traffic were then estimated at an annual figure of \$23,335, which had declined to \$7,684 in 1941. In discussing the probable effect of the abandonment the Commission appeared to give controlling weight to the dependence of a shipper of ice and certain boat-builders on the Branch, but the ice traffic has disappeared and no boat-builders are using the Branch for their materials. The passenger traffic has declined to one-tenth its former volume and the applicant has already continued this service longer than there has been any need for it. It is clear that since the decision fifteen years ago the public has largely withdrawn whatever use it was then making of the line.

Respectfully submitted,

W. A. Cole  
Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by mailing by first-class mail a copy thereof properly addressed to each other party.

Dated at Boston, Massachusetts, this 20th day of  
October, 1942.

W. A. Cole