

INTERSTATE COMMERCE COMMISSION

BOSTON & MAINE RAILROAD  
HISTORICAL SOCIETY  
ARCHIVES

Finance Docket No. 13822

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted November 6, 1942.

Decided November 20, 1942.

Certificate issued permitting abandonment by the Boston & Maine Railroad of a portion of a branch line of railroad in Essex County, Mass.

W. A. Cole for applicant.

James E. Farley for Massachusetts Department of Public Utilities.  
George E. Mears and Robert B. Walsh for protestants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Boston and Maine Railroad on July 8, 1942, applied for permission to abandon its Essex branch line of railroad extending from Hamilton to the end of the track at Essex, approximately 5.17 miles, in Essex County, Mass. Protests were filed and a hearing was held, at which the Massachusetts Department of Public Utilities was represented. Briefs have been filed. Unless otherwise stated, all points hereinafter mentioned are in Massachusetts.

The proposal does not contemplate abandonment of about 2,000 feet of the branch at the point of connection in Hamilton with one of the applicant's main lines. A previous application for permission to abandon the branch, which at that time extended from Hamilton to Conomo, approximately 6 miles, was filed in 1925, but permission was granted to abandon only the portion between Essex and Conomo. Abandonment by B. & M. R. R., 117 I.C.C. 679. The branch has been part of the applicant's system since 1890. Its history appears in the case cited.

Passenger service on the branch is rendered by a train operating to and from Boston one round trip daily on week days, except Saturday when two round trips are made. No passenger service is provided on Sundays and holidays. The freight service consists of side trips, when required, by a train operating on the branch. The freight service is limited to year ended May 1942.

The branch is laid with 75 and 67-pound rail and has been maintained in suitable condition for the volume of traffic handled. The net salvage value of recoverable material is \$7,140.

The population of the area that would be affected by the abandonment is estimated at 1,584 inhabitants, of which 1,384 are located in Essex and the remainder in Hamilton. The intermediate branch stations, which are merely passenger stops, are Miles

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Passenger service on the branch is rendered by a train operating to and from Boston one round trip daily on week days, except Saturday when two round trips are made. No passenger service is provided on Sundays and holidays. The freight service consists of side trips, when required, by a train operating on the main line, but since 1938 the service has been limited to carload freight. A total of 135 round trips were made in the year ended May 1942.

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The population of the area that would be affected by the abandonment is estimated at 1,584 inhabitants, of which 1,384 are located in Essex and the remainder in Hamilton. The intermediate branch stations, which are merely passenger stops, are Miles River and Woodburys, sparsely settled portions of the town of Hamilton, and Centennial Grove and Essex Falls, both a part of the town of Essex. The tributary territory is crossed by improved highways, of which one serves the intermediate points, substantially paralleling the branch for its entire length. Essex, which is a nonagency station, is served by several common carrier truck operators.

The passenger traffic handled on the branch during 1940 and 1941 amounted to 8,170 and 8,293 passengers, respectively,

of which 399 and 205 were local and the remainder connecting line. In addition, 983 and 3,848 excursion passengers were transported. A count made for one week in May and another week in August 1942 shows that the branch handled a daily average of approximately 40 and 48 passengers, respectively, and that the passenger travel is largely between Boston and Essex. The 1941 daily average was 27.5 passengers. Essex has available bus service to and from Gloucester or West Gloucester, points on the applicant's Gloucester branch, over which trains are operated several times daily to and from Boston. Gloucester is not more than 9 miles by highway from Essex. The freight traffic for the 2-year period and the first eight months of 1942 aggregated 63, 90, and 65 car-loads, all moving between points on the branch and points beyond. It included 22, 25, and 16 car-loads of coal, 14, 18, and 10 of grain and feed, and 23, 43, and 33 of sand. The coal and feed shipments were destined to Essex. The sand is loaded at Essex Falls.

The annual results of operation of the branch during the 2-year period and the first five months of 1942, according to the applicant's exhibits, are as follows:

|   |          |          |   |
|---|----------|----------|---|
| System operating revenues, passenger      | \$2,503  | \$3,030  | and \$1,456,                                |
| freight                                   | \$2,863  | \$4,654  | and \$2,000, and rent income                |
| and \$24, or total                        | \$5,484  | \$7,802  | and \$3,480; operating expenses             |
| charged to the branch, maintenance of way | \$3,354  | \$4,055  | and \$3,473, operation of freight trains    |
| operation of passenger trains             | \$3,089  | \$3,207  | and \$1,401, and wages to watchmen at Essex |
| the branch on other system lines, freight | \$1,312  | \$2,207  | and \$894, and passenger                    |
| ing expenses                              | \$12,368 | \$15,047 | and \$3,589; and net system losses          |
|   | \$3,884  | \$7,245  | and \$5,109.                                |

Charges for maintenance of way were based on material installed and on payrolls of extra crews working on the branch. The expenses charged to operation of trains include only expenditures for wages, fuel, and locomotive maintenance and were prorated on a time or mileage basis, except an amount for guarantee of monthly wages, which is actual. The cost of moving the traffic on other system lines was computed by applying the system freight operating ratio, which was 53.69 for 1940, 55.35 for 1941, and 55.11 percent for the 5-month period of 1942, to the system revenues from the freight traffic, and applying 100 percent in lieu of the passenger operating ratios, which were higher, to the revenues from the passenger traffic, after first deducting the revenues credited to the branch on a mileage basis. If the cost of moving the freight beyond the branch is determined on a 50-percent basis, as is customary in cases of this character, and the maintenance-of-way expenses are reduced at an annual rate of 10 percent, the estimated cost of maintaining the 2,000 feet of track to be retained, the original computation having included the expense for the entire branch, operations result in proportionately lower system losses.

In the event of abandonment of the branch, the applicant anticipates annual savings as follows: Normal maintenance of way \$4,932, operating freight trains \$1,185, operating passenger trains \$745, and wages of watchmen \$2,861, or a total saving of \$9,723, as compared to an estimated loss in passenger revenue of \$118. No loss in freight revenues is

1941 daily average was 27.5 passengers. Essex has available bus service to and from Gloucester or West Gloucester, points on the applicant's Gloucester branch, over which trains are operated several times daily to and from Boston. Gloucester is not more than 9 miles by highway from Essex. The freight traffic for the 2-year period and the first eight months of 1942 aggregated 63, 90, and 65 car-loads, all moving between points on the branch and points beyond. It included 22, 25, and 16 car-loads of coal, 14, 18, and 10 of grain and feed, and 23, 43, and 38 of sand. The coal and feed shipments were destined to Essex. The sand is loaded at Essex Falls.

The annual results of operation of the branch during the 2-year period and the first five months of 1942, according to the applicant's exhibits, are as follows: System operating revenues, passenger \$2,503, \$3,030, and \$1,456, freight \$2,863, \$4,654, and \$2,000, and rent income \$118, \$118, and \$24, or total \$5,484, \$7,802, and \$3,480; operating expenses charged to the branch, maintenance of way \$3,354, \$4,055, and \$3,473, operation of freight trains \$561, \$887, and \$530, operation of passenger trains \$3,089, \$3,207, and \$1,401, and wages to watchmen at Essex \$2,202, \$2,383, and \$1,187, or total \$9,206, \$10,532, and \$6,591; cost of moving the traffic beyond the branch on other system lines, freight \$1,312, \$2,207, and \$894, and passenger \$1,850, \$2,308, and \$1,104; or total operating expenses \$12,368, \$15,047, and \$8,589; and net system losses \$6,884, \$7,245, and \$5,109.

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In the event of abandonment of the branch, the applicant anticipates annual savings as follows: Normal maintenance of way \$4,932, operating freight trains \$1,185, operating passenger trains \$745, and wages of watchmen \$2,861, or a total saving of \$9,723, as compared to an estimated loss in passenger revenue of \$1,878 and rental income of \$118. No loss in freight revenues is anticipated. The applicant expects to continue to handle the coal and grain and feed traffic at other stations, as such freight involves largely long-haul movements. The sand traffic could be loaded at Gloucester, which is not further from the source of supply than Essex Falls. The saving in maintenance of way, which is considered high for branch-line maintenance, is based on estimates for normal maintenance over a period of years. The amount of savings in operation of freight trains was determined on the basis of current unit costs and movements made in the 12 months ended May 1942. The savings in operation of regular passenger trains represent the difference between present operating costs and costs of operation if trains terminate at Hamilton.

The application is opposed by the Department of Public Utilities principally on the grounds that there has been a substantial increase in the passenger traffic; that the branch will be needed later to transport 200 industrial workers who now travel by private automobiles; and that the abandonment would result in an increased use of rubber and gasoline if the additional passenger traffic becomes dependent upon common carrier motor transportation. The department suggests that, in any event, this matter should be held in abeyance pending clarification of the rubber situation.

The abandonment is opposed also by residents, principally of Essex, who travel regularly to and from Boston. The bus transportation to and from Gloucester or West Gloucester is available to them and, at times, some make use of it as a last resort. The commuters, however, find it inconvenient to use the Gloucester branch because it is a longer route and delays are encountered in making proper connections with the bus service. Some witnesses believe that it may become necessary for them to move to other locations in the event the branch is abandoned. The consignee of the grain shipments is the operator of a poultry farm located 2 miles from the Essex station. If deprived of the rail service, the witness will consider hauling the grain by truck from another rail point, notwithstanding that his truck tires are in poor condition. A coal concern at Essex receives carload shipments of coal on a side track which serves its coal yard. If rail facilities are no longer available, that concern will be compelled to haul the coal by truck probably from Salem to enable it to continue in business. Other shippers who are at present transporting by truck oppose the abandonment on the ground that, in the event motor-carrier transportation is no longer available, they will become entirely dependent upon rail facilities for transportation. A member of the Essex rationing board stated that the number of tire applicants, most of whom are defense workers, is far in excess of the number of tires available for distribution, and that a substantial curtailment in the number of tires allocated to the board monthly has been made.

Abandonment of the branch apparently will not result in displacement of any maintenance-of-way and train-crew employees, but a representative of railway employee organizations is opposed to it on the ground that abandonments of passenger operations affect what is known as crew mileage, eventually resulting in elimination of train crews.

Counsel for the protestants contend that the branch operating losses are constantly diminishing and that losses, if any, for the present year will be insignificant. The contention, however, is based upon computations which do not take into account the cost of moving the traffic beyond the branch on other systems. ~~According to the applicant's estimates on future savings, which according to calculations for the protestants will not exceed \$7,245, as compared to estimated losses in operating revenues, including rental income, of \$4,985, or a net saving of \$2,261.~~

The branch has been operating at substantial losses. There has been some increase in traffic, and there are prospects of additional increases but not in sufficient volume to warrant continued operation. Some saving in operating expenses will be effected by the abandonment, although probably not to the extent

transportation. The department suggests that, in any event, this matter should be held in abeyance pending clarification of the rubber situation.

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Counsel for the protestants contend that the branch operating losses are constantly diminishing and that losses, if any, for the present year will be insignificant. The contention, however, is based upon computations which do not take into account the cost of moving the traffic beyond the branch on other system lines. Exception is taken also to the applicant's estimate on future savings, which according to calculations for the protestants will not exceed \$7,246, as compared to estimated losses in operating revenues, including rental income, of \$4,985, or a net saving of \$2,261.

The branch has been operating at substantial losses. There has been some increase in traffic, and there are prospects of additional increases but not in sufficient volume to warrant continued operation. Some saving in operating expenses will be effected by the abandonment, although probably not to the extent estimated by the applicant. The seriousness of the tire situation is generally recognized, but we cannot conclude from the evidence that the communities affected eventually will be deprived entirely of motor-carrier transportation facilities. Under the circumstances the continued operation of the branch 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 abandonment by the Boston and Maine Railroad of the portion of a branch line of railroad in Essex County,

Mass., described herein. An appropriate certificate will be issued, effective from and after 30 days from its date, in which suitable provision will be made for the cancelation of tariffs.

PORTER, COMMISSIONER, dissenting:

It is clear that the losses to the applicant from the operation of this branch are not large and are decreasing, with a strong probability that they may be entirely wiped out. Savings resulting from the abandonment will not be large. On the other hand, the inconvenience and loss to the residents of Essex and that neighborhood will be considerable. The rubber and gasoline situation as affecting other transportation in the locality involved is uncertain, and the abandonment might well be deferred for at least one year awaiting developments.

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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 November, A. D. 1942.

Finance Docket No. 13822

BOSTON & MAINE RAILROAD ABANDONMENT

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 a branch line of railroad in Essex County, Mass., described in the report aforesaid.

It is ordered, That this certificate shall take effect and and be in force from and after 30 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 10 days' filing and posting in the manner prescribed in section 5 of the Interstate Commerce Act.

It is further ordered, That the Boston and Maine Railroad, when filing schedules canceling tariffs applicable on said line shall in such schedules refer to this certificate and docket number.

~~and~~ shall report to this Commission as required by valuation order No. 24, effective May 15, 1923.

By the Commission, division 4.

(SEAL.)

W. P. BARTEL,

Secretary.

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It is ordered, That this certificate shall take effect and be in force from and after 30 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 10 days' filing and posting in the manner prescribed in section 6 of the Interstate Commerce Act.

It is further ordered, That the Boston and Maine Railroad, when filing schedules canceling tariffs applicable on said line of 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.

(SEAL.)

W. P. BARTEL,

Secretary.