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INTERSTATE COMMERCE COMMISSION
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Finance Docket No. 13803

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted September 17, 1942.

Decided November 3, 1942.

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

N. A. Cole for applicant.

Errol S. Hall, Harold L. Jones, and Harold H. Hart for protestants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Boston and Maine Railroad on June 29, 1942, applied for permission to abandon the portion of a branch line of railroad extending from Farmington to the end of the branch at Alton, approximately 9.13 miles, in Strafford and Belknap Counties, N. H. A protest was filed and a hearing was held. No representations have been made by any State authority.

The segment in question, sometimes hereinafter referred to as the line, was constructed in 1851 by the Cochecho Railroad Company, and acquired by the applicant in 1892 as the result of a merger. It forms part of the applicant's Lakeport branch, which formerly extended to Lilly Pond station, N. H. The portion between Alton and Lilly Pond station was abandoned pursuant to our report and certificate of May 27, 1935 in Boston & M. R. Abandonment, 207 I.C.C. 357.

The line is laid mostly with 33-pound rail and is mainly used for the carriage of freight. The value of freight handled in 1941 was \$15,365.

The territory is a farming country. There are no other railroads in the territory. The only highway from Farmington to Alton is the highway mentioned in the report of May 27, 1935. The only stations on the line are at Alton and Lilly Pond. The latter 500 inhabitants, and the highway which parallels the line for its entire length. There is no common-carrier motor service available in the territory, but it appears that motor carrier operators have operating rights over the highway mentioned.

BOSTON & MAINE RAILROAD
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The line is laid mostly with 75-pound rail and is maintained in suitable condition for the volume of freight handled. The net salvage value of recoverable material is \$15,365.

The territory served by the line is a farming country which has no large manufacturing industries. Alton and New Durham, 9 and 5.5 miles, respectively, by highway from Farmington, the nearest other rail station, are the only stations on the line. The former has 1,209 and the latter 433 inhabitants, and both are served by a hard-surfaced highway which parallels the line for its entire length. There is no common-carrier truck service available in the territory, but it appears that motor carrier operators have operating rights over the highway mentioned.

There has been no passenger service on the line since 1935. Carload freight service is provided as required and the less-than-carload shipments are handled by truck. Freight handled during 1940, 1941, and the first 8 months of 1942 amounted to 197, 223, and 118 carloads, all of which moved between points on the line and points beyond. The traffic included 121, 120, and 71 cars of grain and feed, and 19, 17, and 3 cars of coal, inbound, and 25, 47, and 26 cars of lumber, outbound. According to an analysis of the 1941 traffic, feed shipments are handled at New Durham and the coal and most of the lumber shipments at Alton.

The annual results of operation of the line during the 2-

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and \$59, total \$13,366, \$5,515, and \$2,830, cost of handling the traffic on other system lines \$5,993, \$6,793, and \$1,934; and net system losses, except where otherwise stated, \$7,336, \$933 (earnings), and \$391.

Maintenance work on the line is performed by a section crew as part of its section of line which extends from Alton to Dover, N. H. Charges for maintenance of way were based on material installed and on an estimate of time devoted to work on the line by the section crew. The large expenditure in 1940 is attributed to concentration of work on tie renewal on that portion of the maintenance-of-way section of line. Operation of freight-train expenses include only wages, fuel, and locomotive maintenance. The first two items were prorated on a time basis and the last one on mileage. Station expense represents mostly wages of the station agent. The cost of moving the traffic on other system lines was computed by applying the system freight operating ratios to the system revenues from the line traffic, after first deducting the revenues credited to the line on a mileage basis. If the cost is determined on a 50-percent basis, as is customary in cases of this character, operations result in system losses, except as otherwise stated, of \$6,924, \$1,595 (earnings), and \$212.

In the event of abandonment of the line, the applicant anticipates savings as follows: Normal maintenance of way \$7,025, operating freight trains \$2,139, station expense \$2,519, trucking less-than-carload freight \$198, or a total saving of \$11,881, as compared to an estimated loss in revenue of \$736. The saving in maintenance of way is based on estimates for normal maintenance over a period of years. The wages for the operation of freight trains apparently represent overtime consumed on the line. The probable loss in revenue is anticipated in the less-than-carload traffic and rent income. As the carload traffic is largely long haul movement, the applicant expects to continue to handle it at other stations.

A coal dealer at Alton receives his supply of coal over the line. The coal bins or shed are not on a rail siding. The coal traffic amounted to 10 or 11 carloads in 1941, and 7 carloads for this year, to September 17. Because of the scarcity of fuel oil, the witness anticipates an increase in coal shipments. In the event of abandonment of the line, Farmington would be the nearest point for the receipt of coal by rail. According to the witness, the additional truck haul required would increase transportation charges about \$1.25 a ton and would entail wear and tear on tires and use of gasoline.

The Ossipee Oil Company also operates a coal yard at Alton and effects coal deliveries by truck from its coal yard at Joffeboro, N. H., a point on another line of the applicant, about 18 miles by highway from Alton. During 1941, approximately 200 tons of coal were delivered at Alton from the Wolfeboro yard and for the present year, to September 17, about 250 tons. The company intends to install unloading equipment at Alton, and expects to receive a minimum of five carloads of coal by rail during the remainder of this year. Local distribution of coal from the Alton yard would curtail truck mileage.

The operator of a lumber mill at New Durham, because of the tire situation, has been shipping lumber and lumber products during the last six months mostly by rail. His traffic had been moving previously by truck. The witness also has portable saw mills, one of which is operating at the present time in the vicinity of Barnstead, which is served by the Suncook Valley Railroad. As the shipping of lumber over that

Carrier's line has been found unsatisfactory, the mill operator proposes to haul the lumber by truck from the present point of operation to North Durham for shipment over the line. The consignee of the grain and feed shipments was represented by counsel at the hearing, but no evidence was introduced in its behalf.

The application is opposed also by the Secretary of a civic organization on the ground that in the near future there will be no rubber available for trucks which would be needed for transportation, if the rail facilities are no longer available.

The line has been operating at a net loss and the present or prospective traffic is insufficient to warrant its continued operation. Such operation, if continued, would impose an undue and unnecessary burden upon the applicant and upon interstate commerce.

A representative of a railway labor organization requests that, in the event of abandonment, there be included in our certificate conditions for the protection of employees who may be adversely affected by this proceeding. It appears that the only employee who may be affected is the station agent and, as far as the applicant's witness knew, no arrangements have been made to replace him elsewhere. We will reserve jurisdiction to consider the question of whether conditions should be imposed for the protection of employees adversely affected by anything done pursuant to the permission to abandon granted herein.

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 Strafford and Belknap Counties, N. H., 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 cancellation 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 3rd day of November, A. D. 1942.

~~and Chairman 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 Strafford and Belknap Counties, N. H., described in the report aforesaid: Provided, however, and this certificate is issued upon the express understanding, that this Commission reserves the right to consider the question whether conditions should

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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 Strafford and Belknap Counties, N. H., 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 cancellation of tariffs.

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Finance Docket No. 13803

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 thereof, 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 Strafford and Belknap Counties, N. H., described in the report aforesaid: Provided, however, and this certificate is issued upon the express understanding, that this Commission reserves jurisdiction to consider the question whether conditions should be imposed for the protection of employees who may have been adversely affected by anything done pursuant to the permission to abandon granted herein.

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

carrier's line has been found unsatisfactory, the mill operator proposes to haul the lumber by truck from the present point of operation to Forth Durham for shipment over the line. The consignee of the grain and feed shipments was represented by counsel at the hearing, but no evidence was introduced in its behalf.

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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 Strafford and Belknap Counties, N. H., 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 cancellation of tariffs.

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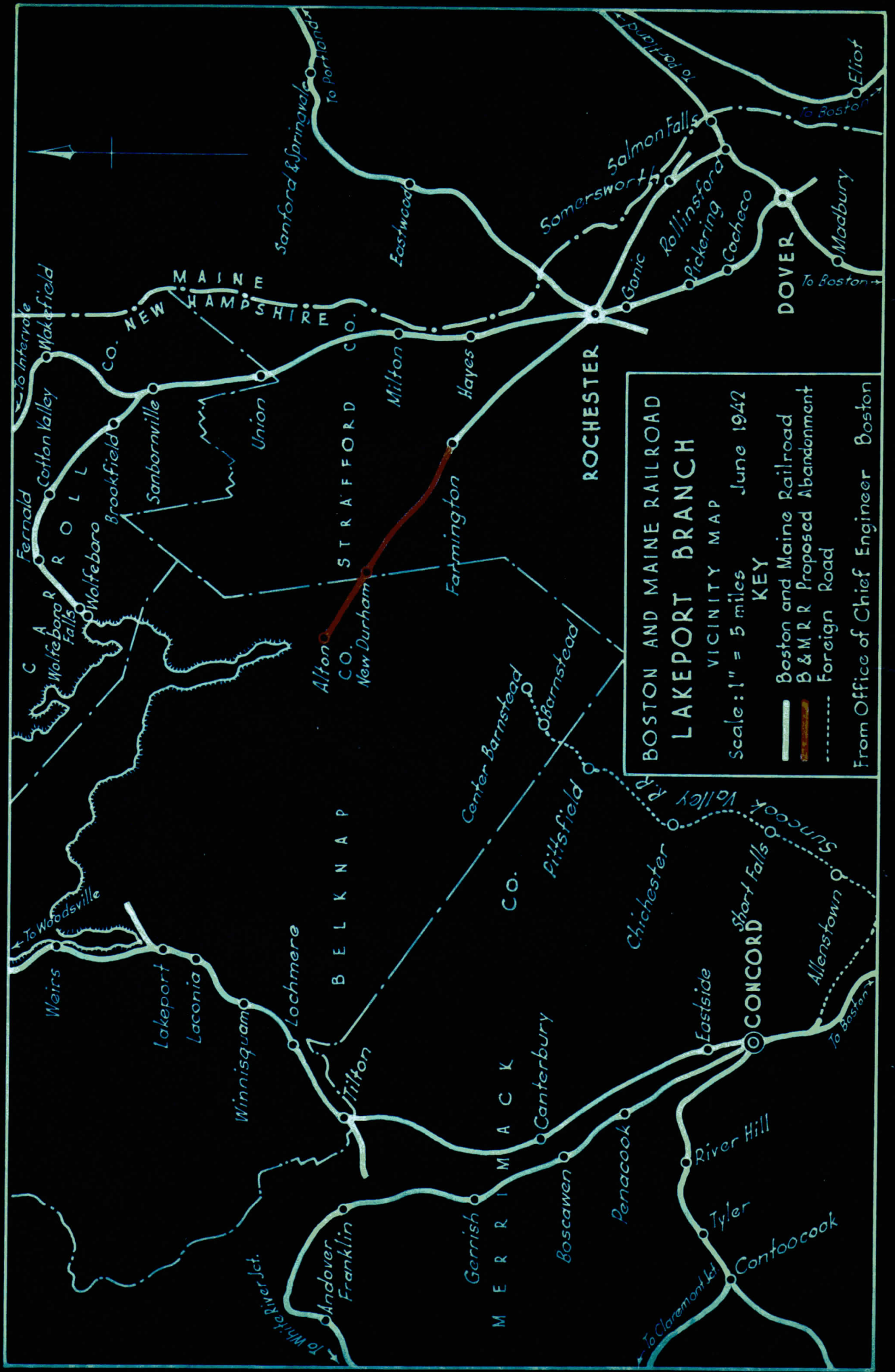
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**BOSTON AND MAINE RAILROAD
LAKEPORT BRANCH**
VICINITY MAP
Scale: 1" = 5 miles
June 1942

KEY

- Boston and Maine Railroad
- - - B & M R R Proposed Abandonment
- Foreign Road

From Office of Chief Engineer Boston

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