

F-12-56

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FD 13876

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

W. A. Cole
General Counsel

August 5, 1942

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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 Lakeport Branch approximately 7 miles in length between a point approximately .5 mile north of its Dover station in the city of Dover and a point .3 mile south of its Gonic station in the city of Rochester, all in the County of Strafford and State of New Hampshire.
- d. Abandonment of the line is sought.
- e. Operation of this line is no longer necessary. There is no passenger service and no freight traffic originates or terminates on it. Another line is available for movement of the overhead traffic. Its abandonment will make the rail and other track materials available for other uses.
- 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 applicant's Board of Directors passed July 28, 1942, a certified copy of which is attached hereto.

i. Attached hereto is a copy of a situation map showing the line 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 ~~3rd~~ day of August, 1942.
Sh

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 notified and held at Boston,
Massachusetts, on July 28, 1942, a quorum being present, the
following action was unanimously taken:

"VOTED: that the corporation abandon approxi-
mately 7 miles of its so-called Lakeport Branch between a
point approximately .5 mile north of its Dover station in the
city of Dover and a point .3 mile south of its Gonic station
in the city of Rochester, all in the County of Strafford and
State of New Hampshire, and that the President, E. S. French,
be and he hereby is authorized on behalf of the corporation to
sign, verify and file an appropriate application to the Inter-
state Commerce Commission and a return to any Questionnaire
submitted by said Commission, and generally to perform all acts
necessary, convenient or desirable toward accomplishing the
foregoing."

Attest:

Arthur B. Nichols

Clerk.

(Corporate seal)



**BOSTON AND MAINE RAILROAD
LAKEPORT BRANCH
VICINITY MAP**
 Scale: 1" = 5 Miles July 1942
 ——— Boston and Maine Railroad
 ——— Line to be Abandoned
 Office of Chief Engineer - Boston, Mass.

This report will not be printed in full in the permanent series of the Interstate Commerce Commission Reports.

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 13876

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted November 4, 1942.

Decided November 7, 1942.

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

W. A. Cole for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Boston and Maine Railroad, on August 6, 1942, applied for permission to abandon that portion of its so-called Lakeport branch, hereinafter called the branch, extending northwesterly from a point about 0.5 mile north of its station at Dover to a point 0.3 mile south of its Gonic station in the city of Rochester, approximately 7 miles, all in Strafford County, N. H. No representations have been made by State authorities and no objection to the application has been offered.

~~The branch connects with the applicant's Boston-Portland main line at Dover and with other lines of the applicant converging at Rochester. The branch is paralleled on the north by another system line extending from Rochester to Rollinsford, a point on the main line about 4 miles from Dover. The distance between the parallel lines at their widest points of diversion is about 5 miles. There are no stations on the branch between its termini. However, there are two sidings serving brick yards and one siding serving a county farm. The latter receives a few carloads of coal each year. The applicant states that the brick yards have become inactive and that much of the brick is handled by truck. It appears that the tributary territory is well provided with improved highways, one of which roughly parallels the branch.~~

The line is laid mostly with 75- and 85-pound rail and is said to be maintained in condition for safe operation at a speed of 25 miles an hour. The net salvage value of the recoverable material is estimated by the applicant to be \$13,304.

The record indicates that the branch is used chiefly for the transportation of through-freight traffic. A freight train which handles bridge traffic exclusively is operated in northbound movement daily, except Sundays. The applicant has not

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The branch connects with the applicant's Boston-Portland main line at Dover and with other lines of the applicant converging at Rochester. The branch is paralleled on the north by another system line extending from Rochester to Rollinsford, a point on the main line about 4 miles from Dover. The distance between the parallel lines at their widest points of diversion is about 5 miles. There are no stations on the branch between its termini. However, there are two sidings serving brick yards and one siding serving a county farm. The latter receives a few carloads of coal each year. The applicant states that the brick yards have become inactive and that much of the brick is handled by truck. It appears that the tributary territory is well provided with improved highways, one of which roughly parallels the branch.

The line is laid mostly with 75- and 85-pound rail and is said to be maintained in condition for safe operation at a speed of 25 miles an hour. The net salvage value of the recoverable material is estimated by the applicant to be \$13,304.

The record indicates that the branch is used chiefly for the transportation of through-freight traffic. A freight train which handles bridge traffic exclusively is operated in northbound movement daily, except Sundays. The applicant has not shown the nature and volume of the bridge traffic for the alleged reason that it can be handled over another system route. Traffic originating or terminating on the branch is handled in switching movement by a locomotive from the Rochester yards. Such traffic consisted of 37 carloads of brick, 8 carloads of coal, and 1 carload of clay in 1940, and 5 carloads of brick and 4 carloads of coal in 1941. The only freight traffic handled during the first five months of 1942 was 1 carload of brick. Passenger service on the branch was discontinued in 1935.

The applicant states that the proposed abandonment would result in a saving of \$5,354 a year, representing the cost of normal maintenance of the branch. That figure, however, is offset by \$1,221, representing the added cost of operating the

overhead-freight train over an alternate route. The net saving would be \$4,133 a year.

The record clearly indicates that the territory tributary to the branch has insufficient traffic to warrant rail transportation service and that continued maintenance and operation of the branch would impose an undue and unnecessary 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 Strafford County, N. H., described herein. 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 7th day of November, A. D. 1942

Finance Docket No. 13876

BOSTON & MAINE RAILROAD 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 Boston and Maine Railroad of the portion of a branch line of railroad in 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 portion of 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 and Maine Railroad, when filing schedules canceling such tariffs, 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, 1938.

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By the Commission, division 4.

W. P. BARTEL,

(SEAL)

Secretary.